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NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

6701. Adulteration and misbranding of olive oil. U. S. * * * v. 8 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9036. I. S. No. 4028–p. S. No. E–1041.)

On May 16, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of olive oil, consigned on or about April 30, 1918, alleging that the article had been shipped by Garra & Trusso, New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pure Extra Fine Olive Oil."

Adulteration of the article was alleged in the libel for the reason that it consisted almost wholly of cottonseed oil which had been mixed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article was alleged for the reason that it was labeled and branded so as to deceive and mislead the purchaser, and in that the label contained statements which were false and misleading; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to-wit, olive oil.

On July 9, 1918, the Imera Importing Co., Baltimore, Md., claimant, having filed a petition for the release of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $400, in conformity with section 10 of the act, conditioned in part that the product should be properly branded so as to accurately and correctly show that it contained cottonseed oil and other adulterants.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6702. Misbranding of Rid-a-Worm. U. S. * * * v. 20 Jugs * * * of a Product Known as a Worm Destroyer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9037. I. S. No. 8962-p. S. No. C-894.)

On May 20, 1918, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 jugs, each containing one gallon of a product known as a worm destroyer, at Hartington, Nebr., alleging that the article had been shipped on or about January 17, 1918, by the Wheelock Chemical Co., Sioux City, Iowa, and transported from the State of Iowa into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "The great worm destroyer Rid-a-Worm Prevents Hog Cholera."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the label, to wit, "Rid-a-Worm Prevents Hog Cholera," was false, fraudulent, and misleading, in that it conveyed the impression to purchasers that the article could be used as an effective preventive for hog cholera, whereas, in truth and in fact, it could not be so used.

On August 10, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6703. Adulteration of boneless herring. U. S. * * * v. 837 Boxes of Boneless Herring. Consent decree of condemnation and forfeiture. Good portion ordered released, unfit portion destroyed. (F. & D. No. 9042. I. S. No. 12143-p. S. No. C-896.)

On May 27, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 837 boxes of boneless herring, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about April 9, 1918, by J. C. Pike, Lubec, Me., and transported from the State of Maine into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On December 11, 1918, the said J. C. Pike, claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered as to that portion of the product found unfit for human consumption which had been denatured and destroyed, and it was ordered by the court that the portion found to be in a sound and edible condition and fit for food should be released to said claimant upon the payment of the costs of the proceedings.

J. R. Riggs, *Acting Secretary of Agriculture.*

6704. Adulteration of hay. U. S. * * * v. 177 Bales of Hay. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9043. I. S. No. 4864-p. S. No. E-1044.)

On May 29, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 177 bales of hay, weighing approximately 142 pounds each, remaining unsold in the original unbroken packages, at Helena, Ga., alleging

that the article had been shipped on or about February 20, 1918, by the Whittemore Elevator Co., Emory Junction, Mich., and transported from the State of Michigan into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in large part of a decomposed vegetable substance.

On December 9, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be separated by the United States marshal, the sound and merchantable portion of the hay, fit for feeding purposes, to be sold at public auction and the portion unfit for feeding purposes to be destroyed or sold as bedding for stock.

J. R. Riggs, *Acting Secretary of Agriculture.*

6705. Misbranding of Ahra Hog Health Compound. U. S. * * * v. 12 Boxes and 12 Boxes of Ahra Hog Health Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 9044, 9045. I. S. Nos. 8160–p, 8161–p. S. Nos. C–897–898.)

On May 31, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 boxes of Ahra Hog Health Compound at Missouri City, Mo., and 12 boxes of said article at St. Joseph, Mo., alleging that the article had been shipped on or about January 7, 1918, by the American Hog Raisers' Association, Des Moines, Iowa, and transported from the State of Iowa into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Ahra Hog Health Compound (It costs less than 50¢ to keep a hog healthy nine months)" (Directions) "An infectious disease like hog cholera or swine plague you can prevent the actual development or spreading of any of these diseases very easily and cheaply by the systematic weekly use of Ahra Hog Health Compound."

Analyses of samples taken from the consignments showed that the product consisted essentially of sulphur, asafœtida, copperas, Glauber's salt, and charcoal.

It was alleged in substance in the libel that the article was misbranded for the reason that certain statements, borne on the labels, deceived and misled the purchaser into the belief that the product was composed of ingredients capable of producing the above-quoted therapeutic effects claimed for it on the label and in the directions, whereas, in truth and in fact, it was not.

On July 11, 1918, and July 23, 1918, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6706. Adulteration and misbranding of beet meal. U. S. * * * v. 333 Sacks of Alleged Beet Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9046. I. S. No. 8242–p. S. No. C–899.)

On May 29, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 333 sacks, each containing 100 pounds of alleged beet meal, at Chicago, Ill., alleging that the article had been shipped on December 31, 1917, by the Garden City Milling Co., Garden City, Kans., and transported from the

State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that an excessive amount of sand had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that it consisted in part of a decomposed vegetable substance.

Misbranding of the article was alleged for the reason that the statement, to wit, "Sugar Beet Meal," borne on the tags, was false and misleading in that it conveyed to the purchaser the impression that the article was genuine sugar beet meal, whereas, in truth and in fact, it consisted of sugar beet tops, crowns, and tails, and an excessive amount of sand.

On May 7, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6707. Adulteration and misbranding of evaporated milk. U. S. * * * v. 125 Cases, 150 Cases, 99 Cases, and 100 Cases of Evaporated Milk. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 9048, 9049, 9050, 9051. I. S. Nos. 12135-p, 12137-p, 8004-p. S. Nos. C-901, C-903, C-895.)

On June 3, 1918, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 125 cases and 150 cases, each containing 48 cans; 99 cases, each containing 72 cans; and 100 cases, each containing 72 cans of evaporated milk at Keokuk, Iowa, alleging that the article had been shipped on or about April 26, 1918; March 5, 1918; February 14, 1918; and April 1, 1918, by the Kahoka Evaporated Milk Co., Kahoka, Mo., and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, "Kahoka Brand Evaporated Milk * * * is prepared from pure milk and evaporated to the consistency of creamy milk."

Adulteration of the article in each shipment was alleged in the libels for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article in each shipment was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk; and for the further reason that the statement, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser.

Misbranding of the article in the shipments on February 14, 1918, and April 1, 1918, was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 18, 1918, J. Trump & Sons Mercantile Co., Kahoka, Mo., claimant, having admitted the truth of the allegations of the libel and consented to a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $4,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show that it was partially evaporated milk.

J. R. Riggs, *Acting Secretary of Agriculture.*

6708. Adulteration and misbranding of evaporated milk. U. S. * * * v. 100 Cases * * * Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9052. I. S. No. 12138-p. S. No. C-904.)

On June 4, 1918, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of evaporated milk, consigned on or about April 22, 1918, remaining unsold in the original unbroken packages at Quincy, Ill., alleging that the article had been shipped by the Kahoka Evaporated Milk Co., Kahoka, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Kahoka Brand Evaporated Milk * * * is prepared from pure milk and evaporated to the consistency of creamy milk."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and in that the statement, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser.

On December 11, 1918, J. Trump & Sons Mercantile Co., a corporation, Kahoka, Mo., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled to show that it was partially evaporated milk.

J. R. Riggs, *Acting Secretary of Agriculture.*

6709. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Thomas R. Pugh and Joseph W. Pugh (Wilmot Oil Mill). Plea of guilty. Fine, $50. (F. & D. No. 9053. I. S. No. 19972-m.)

On October 10, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas R. Pugh and Joseph W. Pugh, trading as the Wilmot Oil Mill, Wilmot, Ark., alleging the shipment by said defendants, in violation of the Food and Drugs Act, on or about December 21, 1916, from the State of Arkansas into the State of Michigan, of a quantity of an article labeled in part, "Danish Brand Cotton Seed Meal," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Protein (N x 6.25) (per cent)	33.69

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statement, to wit, "Guaranteed Analysis * * * Protein 36 to 38.50%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading

in that it represented that the article contained not less than 36 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, whereas, in truth and in fact, it contained less than 36 per cent of protein, to wit, approximately 33.69 per cent of protein, and for the further reason that the statement, to wit, "Cotton Seed Meal," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted exclusively of cottonseed meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of cottonseed meal, whereas, in truth and in fact, it did not so consist, but consisted of a mixture composed in part of added cottonseed hulls.

On March 25, 1919, the defendants entered a plea of guilty to the information, and the court imposed a fine of $50.

J. R. Riggs, *Acting Secretary of Agriculture.*

6710. Adulteration of tomatoes. U. S. * * * v. Joseph C. Sterling, George T. Corbin, and John T. Handy (J. T. Handy Co.). Plea of guilty. Fine, $20 and costs. (F. & D. No. 9055. I. S. Nos. 1210–p, 2360–p, 3405–p, 3406–p.)

On December 5, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph C. Sterling, George T. Corbin, and John T. Handy, trading under the name of J. T. Handy Co., Crisfield, Md., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 13, 1917; November 10, 1917; October 26, 1917; and November 1, 1917, from the State of Maryland into the States of Connecticut, Pennsylvania, and Virginia, respectively, the two last-named shipments being to Virginia, of quantities of tomatoes which were adulterated. The article in the first-named shipment was labeled in part, "Polo Brand Tomatoes," and in the other shipments, "Riverside Brand Tomatoes."

Analysis of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C., the addition of water to the tomatoes.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

On December 5, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6711. Misbranding of macaroni and spaghetti. U. S. * * * v. John F. Lorentz, Walter C. Lorentz, and Ralph G. Lorentz (Lorentz Co.). Plea of nolo contendere. Fine, $160 and costs. (F. & D. No. 9058. I. S. Nos. 8848–p, 8850–p, 8853–p, 8854–p.)

On October 16, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Lorentz, Walter C. Lorentz, and Ralph G. Lorentz, co-partners, trading as Lorentz Co., Mansfield, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about November 8, 1917, and

November 10, 1917, from the State of Ohio into the State of Indiana, of quantities of macaroni and spaghetti which were misbranded. The articles were labeled in part, respectively, "Lorentz Macaroni Net Weight 12 ozs," and "Lorentz Spaghetti Net Weight 10 ozs."

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

MACARONI.	5 packages.	4 packages.
Average net weight (ounces)	9.09	9.01
Highest net weight (ounces)	9.31	9.13
Lowest net weight (ounces)	8.81	8.95
Average shortage (ounces)	2.91	2.99
SPAGHETTI.		
Average net weight (ounces)	9.15	8.79
Highest net weight (ounces)	9.42	9.03
Lowest net weight (ounces)	8.82	8.47
Average shortage (ounces)	.85	1.20

Misbranding of the macaroni was alleged in the information for the reason that the statement, to wit, "Net Weight 12 Ozs.," borne on the package containing the article, regarding it, was false and misleading, in that it represented that the contents of the said package weighed 12 ounces net, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of each package weighed 12 ounces net, whereas, in truth and in fact, the contents of each package did not weigh 12 ounces net, but weighed a less amount.

Misbranding of the spaghetti was alleged for the reason that the statement, to wit, "Net Weight 10 Ozs.," borne on the package containing the article, regarding it, was false and misleading, in that it represented that the contents of the package weighed 10 ounces net, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of each package weighed 10 ounces net, whereas, in truth and in fact, the contents of each package did not weigh 10 ounces net, but weighed a less amount. Misbranding of both the macaroni and spaghetti was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 30, 1918, the defendants entered a plea of nolo contendere to the information, and the court imposed a fine of $160 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6712. Adulteration and misbranding of tomatoes. U. S. * * * v. Fred J. Brons (Peoria Canning Co.). Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 9059. I. S. No. 11812-p.)

On October 2, 1918, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred J. Brons, trading as the Peoria Canning Co., Peoria, Ill., alleging the sale and delivery by the said defendant, on or about January 18, 1917, in violation of the Food and Drugs Act, under a guaranty that the article was not adulterated or misbranded within the meaning of the said act, of a quantity of an article labeled in part, "Wilson's Brand Tomatoes," which was adulterated and misbranded within the meaning of the said act, and which said article in the identical condition in which it was received was shipped by the

purchaser thereof on November 1, 1917, from the State of Illinois into the State of Iowa, in further violation of said act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20°C. the addition of water.

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Tomatoes," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article consisted exclusively of tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of tomatoes, whereas, in truth and in fact, it did not so consist, but consisted in part of added water.

On April 26, 1919, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6713. Misbranding of Dr. King's Star Crown Brand Pills. U. S. * * * v. Northern Drug Co., a corporation. Plea of guilty. Fine, $5. (F. & D. No. 9061. I. S. No. 1307-p.)

On November 30, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Northern Drug Co., a corporation, Duluth, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about August 22, 1917, from the State of Minnesota into the State of Connecticut, of a quantity of an article labeled in part, "Dr. King's Star Crown Brand Pills," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and oil of pennyroyal coated with calcium carbonate, charcoal, and sugar.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a sure treatment, remedy, and cure for delayed menstruation, painful menstruation, and menstrual irregularities, and effective when taken in connection with herb tea made of pennyroyal, thyme, or tansy, as a treatment, remedy, and cure for delayed menstruation, when, in truth and in fact, it was not either when taken alone or in connection with herb tea made of pennyroyal, thyme, or tansy.

On November 30, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

J. R. Riggs, *Acting Secretary of Agriculture.*

6714. Misbranding of Salcetol-Codeia Tablets, Salcetol Phenyl Ammonii Salicylate Tablets, and Stoddard's Pinus-Codeia; and adulteration and misbranding of Salcetol Co. No. 2 Tablets Infant Corrective, and Cannabin Co. Tablets. U. S. * * * v. G. S. Stoddard & Co., a corporation. Plea of guilty. Fine, $70. (F. & D. No. 9062. I. S. Nos. 1144-p, 1145-p, 1146-p, 1888-p, 1890-p.)

On February 11, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against G. S. Stoddard & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on November 3, 1917 (6 shipments), from the State of New York into the State of New Jersey, of quantities of articles labeled in part, "Salcetol-Codeia Tablets," "Salcetol Tablets," and "Stoddard's Pinus-Codeia," which were misbranded, and other articles labeled in part "* * * Tablets Salcetol Co., No. 2 Infant Corrective," and "* * * Tablets Cannabin Co.," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

SALCETOL-CODEIA TABLETS.

Codeine sulphate (grains per tablet)	0.235
Acetanilid (grains per tablet)	2.49
Sodium bicarbonate (grains per tablet)	1.02
Sodium salicylate (grains per tablet)	0.64

SALCETOL PHENYL AMMONII SALICYLATE TABLETS.

Acetanilid (grains per tablet)	2.48
Sodium bicarbonate (per cent)	20.7
Sodium salicylate (per cent)	11.8

No ammonium compounds present.

PINUS-CODEIA.

Codeine (grains per fluid drachm)	0.113

Wild cherry and ipecac alkaloids: Traces.
Terpin hydrate, glycerin, aromatics: Present.

SALCETOL CO. NO. 2 INFANT CORRECTIVE TABLETS.

Calomel (grain per tablet)	0.0455
Excess (per cent)	36
Sugar (per cent)	26.08
Sodium bicarbonate (per cent)	43.7

Salicylic acid or salicylates: None.
Bismuth subnitrate: None.
Zinc sulphocarbolate: None.
Acetanilid: None.
Ipecac alkaloids, menthol: Present.

CANNABIN CO. TABLETS.

Zinc phosphide (grains per tablet)	0.174
Strychnine (grains per tablet)	.013
Shortage (per cent)	47

Brucine: None.
Cannabis indica: Indicated.

Misbranding of the article labeled "Salcetol-Codeia Tablets" was alleged in the information for the reason that it contained acetanilid, and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein; and for the further reason that it contained codeine sulphate, a derivative of opium, and the label failed to bear a statement that said codeine sulphate is a derivative of opium.

Misbranding of the "Salcetol Phenylamine Ammonii Salicylate Tablets" was alleged for the reason that the statement, "Phenylamine Ammonii Salicylate," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained, to wit, ammonium salicylate, whereas, in truth and in fact, it did not contain ammonium salicylate, and for the further reason that it contained acetanilid and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein.

Misbranding of the "Pinus-Codeia" was alleged for the reason that it contained codeia, and the label failed to bear a statement of the quantity or proportion of codeia contained in each fluid ounce of the article; and for the further reason that it contained codeia, a derivative of opium and the label failed to bear a statement that codeia is a derivative of opium.

Adulteration of the "Salcetol Co. No. 2 Infant Corrective" was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was sold as a product which contained bismuth subnitrate, zinc sulphocarbolate, and phenylacetamide, whereas said article contained no bismuth subnitrate, no zinc sulphocarbolate, and no phenylacetamide.

Misbranding of the article was alleged for the reason that the statements, to wit, "* * * tablets * * * Salcetol gr. 1–10 Bismuth Sub. Nit., gr. 1–10., Zinci Sulpho. Carb. gr. 1–10., * * * Hydrarg. Chlor. Mit. 1–30., * * * Salcetol Represents 50% C. P. Phenylacetamide * * *," "Tablet does not contain sugar," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that each tablet of the article contained 1–10 grain salcetol, corresponding to 50 per cent phenylacetamide; 1–10 grain bismuth subnitrate, 1–10 grain zinc sulphocarbolate, and 1–30 grain calomel, and that the said tablets did not contain sugar, whereas, in truth and in fact, each tablet of said article contained no phenylacetamide, no bismuth subnitrate, and no zinc sulphocarbolate; and each of said tablets contained more than 1–30 grain calomel, that is to say, 0.0455 grain calomel per tablet, and said tablets did contain sugar.

Adulteration of the article labeled "Cannabin Co. Tablets" was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was a product which contained 0.013 grain strychnine phosphide per tablet and no brucine, and was sold as a product which contained 1–40 grain strychnine phosphide per tablet and 1–100 grain brucine per tablet.

Misbranding of the article was alleged for the reason that the statement, to wit, "Strych Phosphide gr. 1–40 Brucine gr. 1–100," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 1–40 grain strychnine phosphide, and 1–100 grain brucine, whereas, in truth and in fact, it did not contain 1–40 grain strychnine phosphide, but contained a less amount, to wit, 0.013 grain strychnine phosphide and contained no brucine, and for the reason that it contained cannabin, a derivative of cannabis indica, and the label failed to bear a statement that cannabin was a derivative of [cannabis indica] opium.

On February 19, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $70.

J. R. Riggs, *Acting Secretary of Agriculture.*

6715. Adulteration and misbranding of vinegar. U. S. * * * v. Charles E. McLean (Wallace-McLean Vinegar Co.). Plea of guilty. Fine, $450 and costs. (F. & D. No. 9063. I. S. Nos. 11174-l, 11175-l, 11946-11952-m. inc.)

On November 7, 1918, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles E. McLean, trading as the Wallace-McLean Vinegar Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12, 1916, July 19, 1916 (2 shipments), July 22, 1916, and August 7, 1916 (2 shipments), from the State of Tennessee into the State of Mississippi, on April 6, 1916, to the State of Oklahoma, and on March 23, 1916, and July 11, 1916, into the State of Arkansas, of quantities of vinegar which were adulterated and misbranded. The article was variously labeled, "Orchard Maid Brand Pure Apple Cider Vinegar," "New York Belle Brand Pure Apple Cider Vinegar," "Elko Brand Pure Apple Cider Vinegar," or "Elko Brand Apple Cider Vinegar," and "Wallace-McLean Vinegar Co."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Determination.	Elko Brand.				New York Belle Brand.		Orchard Maid Brand.		
	March 23, 1916.	April 6, 1916.	July 19, 1916.	July 12, 1916.	July 19, 1916.	July 22, 1916.	Aug. 7, 1916.	Aug. 7, 1916.	July 11, 1916.
Alcohol, per cent by volume	0.15	0.14	0.64	2.54	2.18	0.19	1.72	0.22	0.33
Glycerin, gms/100 cc	.07	.07	.08	.05	.07	.06	.07	.07	.08
Total solids, gms/100 cc	.96	.97	1.43	.87	1.03	.99	1.10	1.04	1.06
Reducing sugars as invert after evaporation after inversion, gms/100 cc	.12	.15	.42	.12	.23	.21	.22	.20	.21
Nonsugar solids, gms/100 cc	.84	.82	1.01	.75	.80	.78	.88	.84	.85
Total ash, gms/100 cc	.21	.21	.21	.20	.20	.21	.19	.20	.19
Total acid as acetic, gms/100 cc	3.89	3.88	3.76	3.48	3.49	3.72	3.62	3.83	3.86
Color Brewer's scale, 1-inch cell	18.0	15.0	32.0	23.0	25.0	28.0	31.0	38.0	22.0
Per cent sugar in solids	12.5	15.5	29.4	13.8	22.3	21.2	20.0	19.2	19.8
Per cent ash in nonsugar solids	25.0	25.6	20.8	26.7	25.0	26.9	21.6	23.8	22.4
Solids glycerol ratio	13.7	13.9	17.9	17.4	14.7	16.5	15.7	14.9	13.3
Acid-alcohol glycerin ratio	29.5	29.3	28.2	62.3	41.8	33.4	39.4	29.7	26.8

The above analyses indicate the addition of distilled vinegar or dilute acetic acid.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a substance, to wit, either distilled vinegar or dilute acetic acid, and other foreign materials had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for "Pure Apple Cider Vinegar Reduced to 4% Acetic Strength," or "Apple Cider Vinegar Reduced by Water to 4%," which the article purported to be; and for the further reason that it was a product inferior to pure apple cider vinegar reduced to 4 per cent acetic strength, or to apple cider vinegar reduced by water to 4 per cent, to wit, a product of less than 4 per cent acetic strength, composed in part of either distilled vinegar or dilute acetic acid and other foreign materials, prepared in imitation of pure apple cider vinegar reduced to 4 per cent acetic strength, or of apple cider vinegar reduced by water to 4 per cent, and was artificially colored in a manner whereby its inferiority to pure apple cider vinegar reduced to 4 per cent acetic strength, or to apple cider vinegar reduced by water to 4 per cent, was concealed.

Misbranding of the article in each shipment was alleged in substance for the reason that the statement, to wit, "Pure Apple Cider Vinegar Reduced to 4% Acetic Strength," or "Apple Cider Vinegar Reduced by Water to 4%," borne on the label of the barrels or bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was pure apple cider vinegar reduced to 4 per cent acetic strength, or apple cider vinegar reduced by water to 4 per cent; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar reduced to 4 per cent acetic strength, or apple cider vinegar reduced by water to 4 per cent, whereas, in truth and in fact, it was not, but was an artificially colored product of less than 4 per cent acetic strength, or a product reduced to less than 4 per cent, which contained either added distilled vinegar or dilute acetic acid, and other foreign materials.

On April 15, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $450 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6716. Adulteration and misbranding of tomato pulp. U. S. * * * v. Le Roy Marvin Langrall (Baltimore Canning Company). Plea of guilty. Fine, $40 and costs. (F. & D. No. 9066. I. S. Nos. 2333-p, 2577-p.)

On October 8, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Le Roy Marvin Langrall, trading as the Baltimore Canning Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 31, 1917, and October 9, 1917, from the State of Maryland into the States of Pennsylvania and Florida, respectively, of quantities of an article labeled in part, "Old Scout Brand Tomato Pulp * * * Packed by Baltimore Canning Co., Baltimore, Md.," the shipment to Pennsylvania being adulterated and that to Florida being adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed them to be partially decomposed.

Weighings of 12 cans from the October 9, 1917, shipment showed a net weight from 9.0 to 10.1 ounces, average 9.4 ounces.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding of the article in the shipment on October 9, 1917, was alleged for the reason that the statement, to wit, "Contents 10 Oz.," borne on the labels attached to the cans regarding the article, was falsely misleading [false and misleading] in that it represented that the contents of each of said cans weighed ten ounces, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of each of said cans weighed ten ounces, whereas, in truth and in fact, they did not, but weighed a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 8, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6717. Adulteration and misbranding of meat scraps. U. S. * * * v. George A. Greene and Josie S. L. Greene (Greene Chicken Feed Co.). Plea of nolo contendere. Fine, $25. (F. & D. No. 9067. I. S. No. 2656-p.)

On November 15, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George A. Greene and Josie S. L. Greene, trading as Greene Chicken Feed Co., Marblehead, Mass., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about December 7, 1917, from the State of Massachusetts into the State of New Hampshire, of a quantity of an article labeled in part, "Greene's Old Fashioned Meat Scraps for Poultry, manufactured by the Greene Chicken Feed Co., Marblehead, Mass. Protein 35–55 Per Ct.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Protein (N x 6.25) (per cent)	24.13

Adulteration of the article was alleged in the information for the reason that a substance low in protein had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for a product containing at least 35 per cent protein, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Protein 35–55%," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 35 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 35 per cent of protein, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 24.13 per cent of protein.

On December 10, 1918, the defendant, Josie S. L. Greene, entered a plea of nolo contendere to the information, and the court imposed a fine of $25. The information as to George A. Greene was nolle prossed.

J. R. Riggs, *Acting Secretary of Agriculture.*

6718. Misbranding of digester tankage. U. S. * * * v. Jacob Cohen and Ben Cohen (Jacksonville Reduction Co.). Pleas of guilty. Fine, $100 and costs. (F. & D. No. 9068. I. S. Nos. 15131-p, 15132-p.)

On November 16, 1918, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob Cohen and Ben Cohen, copartners, trading as the Jacksonville Reduction Co., Jacksonville, Ill., alleging shipments by said defendants, in violation of the Food and Drugs Act, on or about June 27, 1917, and July 25, 1917, from the State of Illinois into the State of Indiana, of quantities of an article labeled in part, "Clover Leaf Digester Tankage," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Shipment of June 27.	Shipment of July 25.
Moisture (per cent)	8.13	8.15
Ether extract (crude fat) (per cent)	9.5	8.0
Crude fiber (per cent)	6.30	5.70
Protein (N x 6.25) (per cent)	30.43	37.94

Misbranding of the article in each shipment was alleged in substance in the information for the reason that the statement, to wit, "60% Protein * * * Crude Fiber (not over) 03%," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 60 per cent of protein and not over 3 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein and not more than 3 per cent of crude fiber, whereas, in truth and in fact, it contained less than 60 per cent of protein and contained more than 3 per cent of crude fiber, to wit, approximately 30.43 per cent of protein, or 37.94 per cent of protein, and approximately 6.30 per cent of crude fiber, or 5.70 per cent of crude fiber, as the case might be.

On December 17, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6719. Adulteration of tomatoes. U. S. * * * v. Herbert N. Messick and Susie G. Messick. Pleas of guilty. Fine, $25 and costs. (F. & D. No. 9069. I. S. Nos. 9384-p, 9385-p.)

On November 15, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herbert N. Messick and Susie G. Messick, Quantico, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 8, 1917 (2 shipments), from the State of Maryland into the State of Missouri, of quantities of an article labeled in part, "Holland Brand Tomatoes," or "Wicomico Queen Tomatoes," which was adulterated.

Analysis of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C. the addition of water to the tomatoes.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for tomatoes, which the article purported to be.

On November 15, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6720. Adulteration and misbranding of olive oil. U. S. * * * v. Christopher Buonocore (C. Buonocore & Son). Plea of guilty. Fine, $10. (F. & D. No. 9073. I. S. No. 1364-p.)

On November 11, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christopher Buonocore, trading as C. Buonocore & Son, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 4, 1917, from the State of New York into the State of Connecticut, of a quantity of an article labeled in part, "Olio Puro D'Oliva Lucca Italy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Iodin number 96.6
Test for cottonseed oil: Strongly positive.
Product consists almost wholly of cottonseed oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Olio Puro D'Oliva Lucca Italy Olio Puro D'Oliva Guantito Produzione Propria," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was pure olive oil and that it was a foreign product, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a pure olive oil and was a foreign product, whereas, in truth and in fact, it was not pure olive oil and was not a foreign product, but was a mixture composed in part of cottonseed oil of domestic origin.

On November 27, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

J. R. Riggs, *Acting Secretary of Agriculture.*

6721. Adulteration of cheese. U. S. * * * v. 283 Cheeses. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9074. I. S. No. 4069–p. S. No. E–1048.)

On June 3, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 283 cheeses, consigned on or about April 26, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped and transported from the State of North Carolina into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and in that the cheeses were partially rotten, all soft, heavily coated with mold and none free from maggots or skippers.

On August 13, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6722. Adulteration and misbranding of evaporated milk. U. S. * * * v. * * * 45 Cases * * * of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9075. I. S. No. 12142–p. S. No. C–906.)

On or about June 6, 1918, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 cases of evaporated milk, consigned on or about February 8, 1918, remaining unsold in the original unbroken packages at

Quincy, Ill., alleging that the article had been shipped by the Kahoka Evaporated Milk Co., Kahoka, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Kahoka Brand Evaporated Milk. Is prepared from pure milk and evaporated to the consistency of cream milk."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk.

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and in that the statement, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser, in that examination showed a shortage of solids and of fat and from the declared net weight.

Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On December 11, 1918, J. Trump & Sons Mercantile Co., a corporation, Kahoka, Mo., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings, and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show that it was partially evaporated milk, and also designating the true net weight of the same.

J. R. Riggs, *Acting Secretary of Agriculture.*

6723. Adulteration and misbranding of beet meal. U. S. * * * v. 470 Sacks of Beet Meal. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9078. I. S. No. 8244–p. S. No. C–907.)

On June 10, 1918, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 470 sacks of beet meal, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about April 12, 1918, and transported from the State of New Jersey into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Sugar Beet Meal The Garden City Milling Co. Garden City, Kansas."

Adulteration of the article was alleged in the libel for the reason that excessive sand had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and for the further reason that it consisted in part of a decomposed vegetable substance.

Misbranding of the article was alleged in substance for the reason that the labels on the sacks containing the article bore the statement that the same was "Sugar Beet Meal," which statement was false and misleading in that the product was not sugar beet meal, but was, in truth and in fact, a mixture of sugar beet tops, crowns, and tails, and sand product; and for the further reason that it was labeled as aforesaid in such form and display as to give the impression that the article was pure sugar beet meal, whereas, in truth and in fact, it was not, but was a mixture in which a sand product had been mixed and packed with sugar beet tops, crowns, and tails; and for the further

reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof.

On December 2, 1918, Max Hottelet, Milwaukee, Wis., and the Garden City Milling Co., Garden City, Kans., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that judgment be entered against said Max Hottelet for the costs of the proceedings.

J. R. Riggs, *Acting Secretary of Agriculture.*

6724. Adulteration of tomato catsup. U. S. * * * v. 1,200 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9079. I. S. No. 8783-p. S. No. C-908.)

On June 11, 1918, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 cases of tomato catsup, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped on November 10, 1917, and transported from the State of Illinois into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Banner Brand Catsup. Packed by the Van Alen Canning Corp., Ogden, Utah." The shipment was originally made by the Van Alen Canning Corp. from Ogden, Utah, on or about October 19, 1917.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On March 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6725. Adulteration of tomato catsup. U. S. * * * v. 302 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9080. I. S. No. 8788-p. S. No. C-909.)

On June 12, 1918, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 302 cases, each containing two dozen bottles of tomato catsup, remaining unsold in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped on March 25, 1918, by the Frazier Packing Co., Elwood, Ind., and transported from the State of Indiana into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Frazier's Tomato Catsup Prepared by the Frazier Packing Co., Elwood, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On September 2, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6726. Adulteration of tomato pulp. U. S. * * * v. 50 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9082. I. S. No. 3828-p. S. No. E-1053.)

On June 25, 1918, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court

of the District of Columbia, holding a district court, a libel for the seizure and condemnation of 50 cases of tomato pulp, consigned on or about January 22, 1918, by Roberts Brothers, Baltimore, Md., remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article had been shipped and transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Calhoun Brand Tomato Pulp. * * * Packed by Hartlove Packing Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On February 6, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6727. Misbranding of hog powder. U. S. * * * v. 1 Dozen 15-Pound and 1 Dozen 30-Pound Pails of B. A. Thomas' Improved Hog Powder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 9083. I. S. No. 4871-p. S. No. E-1052.)

On June 20, 1918, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1 dozen 15-pound pails and 1 dozen 30-pound pails of B. A. Thomas' Improved Hog Powder, remaining unsold in the original unbroken packages at Tallahassee, Fla., alleging that the article had been shipped on April 23, 1918, by the Old Kentucky Mfg. Co., of Paducah, Ky., and transported from the State of Kentucky into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "B. A. Thomas' Improved Hog Powder * * * For hogs that will eat or to use this remedy as a preventive for cholera; * * * remedy for such diseases as Cholera, Swine Plague."

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, borne on the pails, were false, untrue, and misleading in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it, but was composed entirely of lime, magnesium sulphate, ferric sulphate, salt, and a trace of sulphur, none of which said substances, nor the combination of all of them, was capable of producing the curative and therapeutic effects claimed for it.

On April 24, 1919, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6728. Adulteration of salmon. U. S. * * * v. 60 Cases * * * of Fancy Pink Alaska Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9084. I. S. No. 8892-p. S. No. C-912.)

On June 20, 1918, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cases, each containing 48 cans of fancy pink Alaska salmon, consigned on or about November 15, 1917, by the F. C. Barnes Co., Seattle, Wash., alleging that the article had been transported from the State of Washington into the State of Kentucky, and charging adulteration in violation of

the Food and Drugs Act. The article was labeled in part, "Fancy Pink Alaska Salmon * * * Cable Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6729. Adulteration of evaporated milk. U. S. * * * v. 75 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9085. I. S. No. 16188-p. S. No. W-227.)

On June 20, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases of evaporated milk, consigned on or about June 10, 1918, by the Union Meat Co., Portland, Ore., remaining unsold in the original unbroken packages, at Seattle, Wash., alleging that the article had been shipped and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Marigold Brand Evaporated Milk * * * Manufactured by Western Condensed Milk Co., Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

On September 3, 1918, the said Union Meat Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond in the sum of $200, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6730. Adulteration of tomato catsup. U. S. * * * v. 178 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9086. I. S. No. 9454-p. S. No. C-915.)

On June 24, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 178 cases of tomato catsup, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about November 12, 1917, by the Brooks Tomato Products Co., Collinsville, Ill., and transported from the State of Illinois into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "St. Clair Brand Tomato Catsup. Mfg. by Brooks Tomato Products Co., Collinsville, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 24, 1919, the said Brooks Tomato Products Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6731. Misbranding of hog powder. U. S. * * * v. 12 Five-pound Bags, 12 Fifteen-pound Pails, and 12 Thirty-pound Pails of * * * B. A. Thomas' Improved Hog Powder * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9087. I. S. No. 10012-p. S. No. C-913.)

On June 24, 1918, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 five-pound bags, 12 fifteen-pound pails, and 12 thirty-pound pails of B. A. Thomas' Improved Hog Powder, consigned on or about April 10, 1918, by the Old Kentucky Manufacturing Co., Paducah, Ky., remaining unsold in the original unbroken packages at Mitchellsville, Ill., alleging that the article had been shipped and transported from the State of Kentucky into the State of Illinois, and charging misbranding in violation of the Food & Drugs Act, as amended. The article was labeled in part, "B. A. Thomas' Improved Hog Powder."

Misbranding of the article was alleged in the libel for the reason that the label on the bags and pails contained the following false and fraudulent statements regarding the curative and therapeutic effect of the article and the contents of the bags and pails, to wit, "B. A. Thomas' Improved Hog Powder * * * for hogs that will eat or to use this remedy as a preventive for cholera; * * * remedy for such diseases as Cholera, Swine Plague."

Misbranding of the article was alleged for the further reason that the booklet contained in the shipment bore the following false and fraudulent statements regarding the curative and therapeutic effect of the article and the contents of the bags and pails, to wit: "B. A. Thomas' Hog Powder * * * used it most successfully for a number of years with his own hogs for the cure and prevention of Cholera and Swine Plague * * * during a general epidemic of Hog Cholera in his county which had spread to his own herd. That he first used this remedy with such splendid effect that he did not lose a single hog, although a number were past eating and were apparently in a hopeless condition. Proving so successful in this case, he continued the use of it as a cure and preventive for Cholera and Swine Plague: * * * a safe and effective remedy and preventive for contagious germ diseases such as Cholera, Swine Plague; * * * if used as directed, we positively guarantee one pound B. A. Thomas' Hog Powder to cure any one case of Hog Cholera or we will refund your money."

Misbranding of the article was alleged for the further reason that the contents of the bags and pails was a dry powder containing essentially iron oxid, iron, lime and magnesium, carbonate and sulphate, and salt, and the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it on the label and in the booklet.

On August 9, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6732. Misbranding of Sulferro-Sol. U. S. * * * v. 11 Gross Large and 1 Gross Small Packages of Sulferro-Sol. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9088. I. S. No. 4884-p. S. No. E-1051.)

On June 29, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on September 27,

1918, an amended libel, for the seizure and condemnation of 11 gross large and 1 gross small packages of Sulferro-Sol, remaining unsold in the original unbroken packages at Columbus, Ga., alleging that the article had been shipped on or about September 19, 1917, by the Sul-Ferro-Sol Co., Birmingham, Ala., and transported from the State of Alabama into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Sulferro-Sol, a Natural Nerve Tonic and Blood Purifier."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of a solution of iron and aluminum sulphates and traces of other inorganic salts in water.

It was alleged in substance in the libel that the article was misbranded for the reason that certain statements appearing on the label of the bottle, carton, and in the pamphlet and booklet accompanying the article falsely and fraudulently represented it as a remedy for pellagra, dyspepsia, indigestion, asthma [anaemia], chronic diseases [chronic abscesses], and all forms of stomach, kidney, skin, blood, and nervous troubles, whereas, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed for it, and it was not in whole or in part composed of, and did not contain ingredients or medicinal agents, effective, among other things, as a remedy for pellagra, dyspepsia, indigestion, asthma [anaemia], chronic diseases [chronic abscesses], and all forms of stomach, kidney, skin, blood and nervous trouble. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing on the labels, bottles, cartons, and in the booklet accompanying the article falsely and fraudulently represented it as of exceptional value in the treatment of pellagra, dyspepsia, indigestion, anaemia, chronic diseases [abscesses], and all forms of stomach, kidney, skin, blood and nervous trouble, and effective as a natural nerve tonic and blood purifier, and very beneficial in the treatment of pellagra, indigestion, colic, rheumatism, dyspepsia, diarrhoea, and various forms of stomach, kidney, bladder, blood, skin, and nervous troubles, and very beneficial in the treatment of, and a most powerful remedy for, rheumatism, diarrhoea, bladder troubles, dysentery, flux, and internal hemorrhage, burns, old and fresh sores, tetter, eczema, female troubles, and tuberculosis of the bones, when, in truth and in fact, it did not contain ingredients or combination of ingredients nor medicinal agents capable of producing the curative and therapeutic effects claimed for it.

On February 5, 1919, the said Sul-Ferro-Sol Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6733. Misbranding of salmon. U. S. * * * v. 30 Cases * * * of Fancy Pink Alaska Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9089. I. S. No. 8894-p. S. No. C-917.)

On June 25, 1918, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases, each containing 48 cans of fancy pink Alaska salmon, so-called, consigned on November 16, 1917, by F. C. Barnes Co., Seattle, Wash., remaining unsold in the original unbroken packages at Russell, Ky., alleging that the article had been shipped and transported from the State of Washington into the State of Kentucky, and charging adulteration in violation

of the Food and Drugs Act. The article was labeled in part, "Fancy Pink Alaska Salmon * * * Cable Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6734. Adulteration of salmon. U. S. * * * v. 50 Cases * * * Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9090. I. S. No. 8893-p. S. No. C-916.)

On June 25, 1918, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 48 cans of salmon, consigned on November 16, 1917, by F. C. Barnes Co., Seattle, Wash., remaining unsold in the original unbroken packages at Ironton, Ohio, alleging that the article had been shipped and transported from the State of Washington into the State of Kentucky and thence into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Fancy Pink Alaska Salmon * * * Cable Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On February 27, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6735. Adulteration of tomato pulp. U. S. * * * v. 25 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9092. I. S. No. 3827-p. S. No. E-1058.)

On June 28, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 25 cases of tomato pulp, remaining unsold in the original unbroken packages at Washington, D. C., consigned on or about May 6, 1918, by S. M. Robinson & Co., Baltimore, Md., alleging that the article had been shipped and transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Big T Brand Tomato Pulp Made from Pieces and Trimmings of Tomatoes. Packed by S. M. Robinson & Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On February 6, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6736. Adulteration and misbranding of vinegar. U. S. * * * v. 138 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9093. I. S. No. 19861-p. S. No. C-914.)

On June 26, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and con-

demnation of 138 barrels of vinegar at Cleveland, Ohio, alleging that 71 barrels were shipped on or about December 3, 1917, and 67 barrels were shipped on or about December 5, 1917, by Van Keuren Co., Savona, N. Y., and transported from the State of New York into the State of Ohio, charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pure Cider Vinegar. * * * Manufactured by Van Keuren Co., Savona, N. Y."

Adulteration of the article was alleged in the libel for the reason that an excessive quantity of water and either distilled vinegar or added dilute acetic acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, strength, and value.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that the labels on the barrels bore a statement regarding the article which was false and misleading in that it was calculated, designated, and devised to deceive and mislead the purchaser into believing that the barrels contained pure cider vinegar, when, in truth and in fact, they contained an imitation of pure cider vinegar.

On July 12, 1918, the said Van Keuren Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,300, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6737. Adulteration and misbranding of evaporated milk. U. S. * * * v. 100 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9094. I. S. No. 16191–p. S. No. W–229.)

On June 25, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of evaporated milk, consigned on or about June 13, 1918, by the Union Meat Co., Portland, Ore., remaining unsold in the original unbroken packages, at Seattle, Wash., alleging that the article had been shipped and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Marigold Brand Evaporated Milk * * * Manufactured by Western Condensed Milk Co. Seattle U. S. A."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk; and for the further reason that the statement borne on the labels, to wit, "Evaporated Milk," was false and misleading, and misled the purchaser in being labeled "Net Weight Sixteen (16) ounces," whereas, in truth and in fact, there was a shortage therein of solids and from the declared net weight. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 3, 1918, the said Union Meat Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was

entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond in the sum of $250, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6738. Adulteration and misbranding of olive oil. U. S. * * * v. 12 One-gallon Cans and 24 Half-gallon Cans of Olive Oil (so-called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9095. I. S. Nos. 6568-p, 6569-p. S. No. E-1056.)

On June 25, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 one-gallon cans and 24 half-gallon cans of olive oil, remaining unsold in the original unbroken packages at South Norwalk, Conn., alleging that the article had been shipped on or about May 30, 1918, by Arony & Papitsas, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted practically entirely for the article purporting to be olive oil.

Misbranding of the article was alleged for the reason that the labels of the cans bore certain statements regarding the article which were false and misleading, that is to say, the statements, to wit, "Olive Oil" (in large type), and "Compounded with cottonseed oil" (in inconspicuous type), and "Cottonseed and" (in inconspicuous type), and "Olive Oil" (in large type), which statements were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the labels on the half-gallon cans bore the words "Full ½ gallon," whereas there was a shortage of 2.7 per cent in each purported one-half gallon; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On July 15, 1918, the said Arony & Papitsas, New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $35, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6739. Adulteration and misbranding of vinegar. U. S. * * * v. Burgie Vinegar Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 9098. I. S. No. 11945-m.)

On October 3, 1918, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Burgie Vinegar Co., a corporation, Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 1, 1916, from the State of Tennessee into the State of Arkansas, of a quantity of

an article labeled in part, "Burgie Vinegar Co. Gold $ Dollar Brand, Pure Apple Cider Vinegar," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	0.25
Glycerol (grams per 100 cc.)	0.09
Solids (grams per 100 cc.)	0.83
Nonsugar solids (grams per 100 cc.)	0.51
Reducing sugar as invert after evaporation (grams per 100 cc.)	0.32
Ash (grams per 100 cc.)	0.10
Acidity as acetic (grams per 100 cc.)	4.12

This analysis shows addition of distilled vinegar or dilute acetic acid.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, either distilled vinegar or dilute acetic acid, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for pure apple cider vinegar reduced to 4 per cent acetic strength, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure apple cider vinegar, reduced to 4 per cent acetic strength," borne on the label on the barrel containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was pure apple cider vinegar reduced to 4 per cent acetic strength, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar reduced to 4 per cent acetic strength, whereas, in fact and in truth, it was not, but was a product composed in part of either distilled vinegar or dilute acetic acid.

On February 3, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6740. Adulteration and misbranding of olive oil. U. S. * * * v. 6 Cases and 2 Cans of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9101. I. S. No. 2954-p. S. No. E-1059.)

On June 28, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of six cases, each containing twelve 1-gallon cans and two separate 1-gallon cans of alleged olive oil, consigned by Emilio Di Bianco, New York, N. Y., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about June 1, 1918, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of cottonseed oil.

It was alleged in substance in the libel that the statement, to wit, "1 Gall. Net," represented to the purchaser that the package contained one gallon net, when, in truth and in fact, it did not contain one gallon net; and for the further reason that it was invoiced and represented by the shipper to be olive oil, not of the first quality, but a second-grade Spanish oil, when, in fact, it consisted wholly or in part of cottonseed oil.

On August 14, 1918, E. Quiriglia, Philadelphia, Pa., claimant, having filed an answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $400, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6741. Adulteration and misbranding of evaporated milk. U. S. * * * v. 200 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9102. I. S. No. 11923–p. S. No. C–918.)

On June 26, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 6 cans of alleged evaporated milk, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about June 8, 1918, by the Aviston Condensed Milk Co., Aviston, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Purity Brand Evaporated Milk," and "Our Best Brand Evaporated Milk * * * Net Weight 8 lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, partially evaporated milk, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for evaporated milk.

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and for the further reason that the statement borne on the label, to wit, "Evaporated Milk," was false and misleading in that it purported to be a product known as evaporated milk when, in truth and in fact, the cans contained evaporated milk mixed with partially evaporated milk. Misbranding of the portion of the article labeled "Purity Brand" was alleged for the further reason that it was food in package form, and the statement of the net weight or measure of the contents was not plainly and conspicuously marked thereon. Misbranding of the portion of the article labeled "Our Best Brand Evaporated Milk" was alleged for the further reason that it was food in package form and was labeled as containing 8 pounds of evaporated milk, when, in truth and in fact, the cans did not contain 8 pounds of evaporated milk.

On September 11, 1918, the said Aviston Condensed Milk Co., claimant, having filed its answer and claim for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of $2,000, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6742. Misbranding of marshmallows. U. S. * * * v. Wiley's, a corporation. Plea of guilty. Fine, $50. (F. & D. No. 9103. I. S. Nos. 1732–p, 2867–p.)

On November 22, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wiley's, a corporation, Atlanta, Ga., alleging shipment by said company, in

violation of the Food and Drugs Act, as amended, on or about November 15, 1917, and February 7, 1918, from the State of Georgia into the States of North Carolina and South Carolina, respectively, of quantities of an article labeled in part, "Wiley's Atlanta Genuine Marshmallows * * * net weight 4 ozs.," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment Nov. 15, 1917: Average net weight, 4 packages (ounces)_ 2.01

Shipment Feb. 7, 1918: Average net weight, 18 packages (ounces)__ 3.32

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Net Weight 4 Ozs.," borne on the box containing the article, regarding it, was false and misleading in that it represented that the contents of each of said boxes weighed four ounces net, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of each of said boxes weighed four ounces net, whereas, in truth and in fact, the contents of each of said boxes did not weigh four ounces net but did weigh a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 6, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

J. R. Riggs, *Acting Secretary of Agriculture.*

6743. Misbranding of Blue Ribbon Dairy Feed. U. S. * * * v. Quaker Oats Co., a corporation. Plea of nolo contendere. Fine, $100. (F. & D. No. 9104. I. S. No. 9157-m.)

On March 13, 1919, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Quaker Oats Co., a corporation, doing business at Richford, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 1, 1916, from the State of Vermont into the State of Maine, of a quantity of an article labeled in part, "Blue Ribbon Dairy Feed," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)	3.19
Protein (per cent)	19.94
Fiber (per cent)	13.27

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 25 per cent. * * * Crude Fiber (maximum) 12 per cent.," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that it contained not less than 25 per cent of protein and contained not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 25 per cent of protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 25 per cent of protein and more than 12 per cent of crude fiber, to wit, 19.94 per cent of protein and 13.27 per cent of crude fiber.

On June 9, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $100.

J. R. Riggs, *Acting Secretary of Agriculture.*

6744. Adulteration of tomatoes. U. S. * * * v. William W. Finney. Plea of guilty. Fine, $75 and costs. (F. & D. No. 9105. I. S. Nos. 8548–p, 8549–p, 8566–p.)

On November 18, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William W. Finney, Belair, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 30, 1917, and November 17, 1917 (2 shipments), from the State of Maryland into the State of Texas, of quantities of an article labeled in part, "Quarryville Brand Tomatoes," or "Grabosco Brand Tomatoes," which was adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C., the addition of water to the tomatoes estimated to be at least 10 per cent.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

On November 18, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $75 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6745. Adulteration of tomato pulp. U. S. * * * v. Oliver P. Roberts, James H. Roberts, William H. Roberts, M. Raymond Roberts, and James O. Langrall (Roberts Brothers). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 9107. I. S. No. 2584–p.)

On December 30, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Oliver P. Roberts, James H. Roberts, William H. Roberts, M. Raymond Roberts, and James O. Langrall, copartners, trading as Roberts Brothers, Baltimore, Md., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about October 13, 1917, from the State of Maryland into the State of Florida, of a quantity of an article labeled in part, "Big R Brand Tomato Pulp," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to be a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 30, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6746. Adulteration and misbranding of Sweet-Heart-Cherry. U. S. * * * v. Robert L. Horton, John T. Windhorst, and Albert R. Walker (Foss Fruit Syrup Co.). Plea of guilty by Robert L. Horton. Fine, $50 and costs. Nolle prosequi as to other defendants. (F. & D. No. 9110. I. S. No. 10006–p.)

On November 19, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert L. Horton, John T. Windhorst, and Albert R. Walker, trading as the

Foss Fruit Syrup Co., St. Louis, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 8, 1917, from the State of Missouri into the State of Illinois, of a quantity of an article labeled in part, "Sweet-Heart-Cherry * * * Prepared by Foss Fruit Syrup Co., St. Louis, Mo., U. S. A.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this Department showed the following results:

Solids by refractometer (per cent)	53.25
Non-sugar solids (per cent)	0.95
Sucrose by copper reduction (per cent)	0.10
Reducing sugars before inversion (per cent)	52.2
Benzaldehyde (grams per 100 cc.)	0.008
Total acidity as citric (grams per 100 cc.)	1.02
Ash (per cent)	0.02

Color (vegetable dye): Cudbear.

The above results show the product to be an imitation cherry sirup, artificially colored.

Adulteration of the article was alleged in the information for the reason that it was a product inferior to cherry sirup, to wit, an artificially flavored product composed largely of sugar sirup and citric acid, and containing little, if any, fruit sirup, prepared in imitation of cherry sirup, and was artificially colored so as to simulate the appearance of cherry sirup and in a manner whereby its inferiority to cherry sirup was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Cherry, a combination of pure cherry products," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that it was, to wit, cherry sirup, a combination of pure cherry products; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, cherry sirup, a combination of pure cherry products, whereas, in truth and in fact, it was not cherry sirup, a combination of pure cherry products, but was an artificially flavored mixture which contained little or no cherry products; and for the further reason that it was an artificially flavored mixture which contained little or no cherry products, artificially colored and prepared in imitation of, to wit, pure cherry sirup, and was sold under the distinctive name of another article, to wit, cherry.

On December 9, 1918, one of the defendants, Robert L. Horton, entered a plea of guilty to the information, and the court imposed a fine of $50 and costs. A nolle prosequi was entered as to the other defendants.

J. R. Riggs, *Acting Secretary of Agriculture.*

6747. Adulteration and misbranding of Hostelley's Hypophosphites (Syr. Hypophos. Comp.) and Hostelley's Chemically Pure Hypophosphites (Sol. Hypophos. Comp.). U. S. * * * v. William H. Hostelley (W. H. Hostelley & Co.). Plea of guilty. Fine, $100 and costs. (F. & D. No. 9112. I. S. Nos. 1886–1887–p.)

On February 24, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Hostelley, trading as W. H. Hostelley & Co., Philadelphia, Pa., alleging the shipment on or about November 2, 1917 (2 shipments), by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania, into the State of Maryland, of a quantity, of an article

labeled in part "Hostelley's Hypophosphites (Syr. Hypophos. Comp.)" and of one labeled in part "Hostelley's Chemically Pure Hypophosphites (Sol. Hypophos. Comp.)," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

SYRUP OF HYPOPHOSPHITES COMPOUND.

Ingredients.	Grams per 1,000 mils.	Grains per fluid drachm.	Per cent variation from amount declared.	Per cent variation from N. F.
Quinine hypophosphite	.....	0.101	−62	.....
Equivalent to crystallized quinine	1.57	.....	.....	+ 31
Calcium hypophosphite (lime hypophosphite)	16.1	0.92	−37	− 54
Manganese hypophosphite	1.14	0.065	−78	− 50
Iron hypophosphite	0.13	0.007	−86	− 95
Potassium hypophosphite	None.	.....	.....	−100
Sodium hypophosphite	10.8	0.62	(None declared).	− 38
Invert sugar	524	.....	.....	.....
Equivalent to sucrose	498	.....	.....	− 29
Citrates	None.	.....	.....	.....
Glycerin	None.	.....	.....	.....
Strychnine	Present.	.....	.....	.....

Alcohol, by volume (per cent), 4.3.

Analysis shows product to vary widely from its declared composition and from the National Formulary requirements.

SOLUTION OF HYPOPHOSPHITES COMPOUND.

Ingredients.	Grams per 1,000 mils.	Grains per fluid drachm	Per cent variation from amount declared.	Per cent variation from N. F.
Quinine hypophosphite	1.96	0.112	−55	− 11
Manganese hypophosphite	2.5	.....	.....	+ 14
Iron hypophosphite	0.55	.....	.....	− 88
Calcium hypophosphite	18.6	.....	.....	+119
Sodium hypophosphite	16.0	.....	.....	+627
Potassium hypophosphite	None.	.....	.....	−100
Strychnine	Present.	.....	.....	.....
Glycerin	None.	.....	.....	.....
Sugar	None.	.....	.....	.....

Alcohol, by volume (per cent), 5.8.

Analysis shows product to vary widely from its declared composition and from the National Formulary requirements.

Adulteration of the article in each shipment was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as prescribed by that authority official at the time of investigation of the article.

Misbranding of the "Syr. Hypophos. Comp." was alleged for the reason that the statements, to wit, "Composition: Each fluid drachm contains 1½ grs. Hypophosphite of Lime, ¼ gr. each Hypophosphite Manganese and Quinine, ½ gr. Hypophosphite Iron and 1/64 gr. Hypophosphite Strychnine, in a glycernized, non-cloying vehicle," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that each fluid drachm of the article contained 1½ grains hypophosphite of lime, ¼ grain hypophosphite manganese, ¼ grain quinine hypophosphite, and ½ grain hypophosphite of iron, and that said drug was in a glycernized, noncloying vehicle, whereas, in truth and in fact, each drachm contained less than 1½ grains of hypophosphite of lime, ¼ grain hypophosphite of manganese, ¼ grain quinine hypophosphite, and ½ grain hypophosphite of iron, to wit, 0.92 grain hypophosphite of lime, 0.065 grain hypophosphite of manganese, 0.101 grain quinine hypophosphite, 0.007 grain

hypophosphite of iron, and there was no glycerin present. It was alleged in substance in the information that this article was misbranded for the further reason that certain statements appearing on the labels of the bottles falsely and fraudulently represented it as a treatment, remedy, and cure for tubercular manifestations, the neurasthenias, strumous affections, rickets, the anemias, chlorosis, bronchial affections, nervous insomnia, and senile depression, when, in truth and in fact, it was not.

Misbranding of the "Sol. Hypophos. Comp." was alleged for the reason that the statements, to wit, "Each fluid drachm contains * * * ¼ grain Hypophosphite Quinine," "Alcohol 4 %," and "in a glycernized, non-cloying vehicle," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained in each fluid drachm ¼ grain hypophosphite of quinine, and that it contained 4 per cent of alcohol, and that it was in a glycernized, noncloying vehicle, whereas, in truth and in fact, each fluid drachm of the article contained less than ¼ grain hypophosphite of quinine, to wit, 0.112 grain hypophosphite of quinine, and contained more than 4 per cent of alcohol, to wit, 5.8 per cent of alcohol and there was no glycerin present. It was alleged in substance that this article was misbranded for the further reason that certain statements appearing on the labels of the bottles falsely and fraudulently represented it as a treatment, remedy, and cure for tubercular manifestations, alcoholic neurasthenia, or sexual neurasthenia, all nervous and mental diseases, physical depression, strumous affections, senile decay, anemia, and some forms of insomnia, when, in truth and in fact, it was not.

On February 28, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6748. Misbranding of Marshall's Unequaled Pain Drops, Marshall's Lung Syrup, Dr. J. C. Brown's Unequaled Liquid Drops, Marshall's Blood and Liver Pills, Egyptian Oil, Arctic Oil, and Rheumatic Oil. U. S. * * * v. Irving J. Carter (M. W. Marshall Medicine Co.). Plea of guilty. Fine, $50. (F. & D. No. 9113. I. S. Nos. 11708–11712–p, inc., 12602–p, 12604–p.)

On April 21, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Irving J. Carter, trading as the M. W. Marshall Medicine Co., Redgranite, Wis., alleging shipment by the said defendant, in violation of the Food and Drugs Act, as amended, on or about August 24, 1917, from the State of Wisconsin into the State of Illinois, of quantities of articles labeled in part, "Marshall's Unequaled Pain Drops," "Marshall's Lung Syrup," "Dr. J. C. Brown's Liquid Drops," "Marshall's Blood and Liver Pills," "Egyptian Oil," "Arctic Oil," and "Rheumatic Oil," which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

"Marshall's Unequaled Pain Drops" consist essentially of capsicum, opium, ammonia, alcohol, and water flavored with volatile oils, chiefly rosemary.

"Marshall's Lung Syrup" consists essentially of morphine sulphate, ammonium chlorid, vegetable extract, glycerin, sirup, and flavoring material.

"Dr. J. C. Brown's Unequaled Liquid Drops" consist essentially of ammonia, capsicum, ginger, oil of sassafras, camphor, a trace of morphine, alcohol, and water.

"Marshall's Blood and Liver Pills" consist essentially of aloes and other plant material, calcium carbonate, sugar, and starch.

"Egyptian Oil" consists essentially of linseed oil, and volatile oils including sassafras and cedar oils, and camphor.

"Arctic Oil Liniment" consists essentially of a liquid in two layers, the upper containing oils, largely kerosene, camphor, linseed oil, and castor oil; the lower containing alcohol, ammonia, water, plant extract, and a trace of iodin.

"Rheumatic Oil" consists essentially of a liquid in two layers, the upper containing oils, largely kerosene, camphor, linseed oil, and castor oil; the lower containing alcohol, ammonia, water, plant extract, and a trace of iodin.

It was alleged in substance in the information that the article labeled "Marshall's Unequaled Pain Drops" was misbranded for the reason that certain statements borne on the labels of the bottles and cartons falsely and fraudulently represented it as a cure for sick and nervous headache, rheumatism, neuralgia, colic, cholera morbus, all bowel complaints, sore throat, pain in the back and side, spinal diseases, burns, scalds, sprains, lameness, and diphtheria in its most malignant form, and as a treatment, remedy, and cure for cholera, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for congestion and cold, torpid condition of the system, liver and kidney complaints, colds, any pain, neuralgia, and catarrh, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "Marshall's Unequaled Pain Drops. * * * These drops contain no poisonous * * * * matter * * * * * it is not dangerous to take as high as 40 or 50 drops more or less," borne on the circular inclosed in the carton containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained no poisonous matter and that it was not dangerous to take as high as 40 or 50 drops of the article, whereas, in truth and in fact, it contained poisonous matter, to wit, 2 grains of opium to the ounce, which rendered the article dangerous to the health.

It was alleged in substance that the "Marshall's Lung Syrup" was misbranded for the reason that certain statements borne on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for consumption, asthma, spitting of blood, croup, whooping cough, bronchitis, inflammation of the lungs and throat, difficulty of breathing, and diseases of the pulmonary organs, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for asthma, spitting of blood, croup, whooping cough, ague, consumption, pleurisy, difficulty of breathing, and all diseases of the lungs and chest, when, in truth and in fact, it was not.

It was alleged in substance that the article labeled "Dr. J. C. Brown's Unequaled Liquid Drops" was misbranded for the reason that certain statements borne on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for sick and nervous headache, cholera morbus, colic, and any pain and distress in the stomach and bowels and as a cure for rheumatism, neuralgia, all bowel complaints, sore throat, pain in back and side, spinal diseases, burns, scalds, sprains, lameness, and diphtheria in its most malignant form, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and

cure for congestion, cold, torpid condition of the system, liver and kidney complaints, colds, any pain, neuralgia, and catarrh, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "Dr. J. C. Brown's Unequaled Liquid Drops * * * these drops contain no poisonous * * * matter * * * it is not dangerous to take as high as 40 or 50 drops more or less," borne on the circular enclosed in the carton containing the article, regarding it and the ingredients and substances contained therein, was false and misleading, in that it represented that the article contained no poisonous matter and that it was not dangerous to take as high as 40 or 50 drops of the article, whereas, in truth and in fact, it contained poisonous matter, to wit, 2 grains of opium to the ounce, which rendered the article dangerous to health.

It was alleged in substance that the article labeled "M. W. Marshall's Blood and Liver Pills" was misbranded for the reason that certain statements borne on the labels of the bottles and cartons falsely and fraudently represented it as a treatment, remedy, and cure for sick headache, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for hepatitis, liver complaint, dyspepsia, diseases of the liver, complaints having their seats in the diseased state of the liver, stoppage of the menses, irritable and vindictive feelings and passions, diseases enumerated under the head of consumption, diseases of the kidneys, impurities of the blood, nervousness, fevers of all kinds, any derangement of the system, dyspepsia, and indigestion, when, in truth and in fact, it was not.

It was alleged in substance that the "Egyptian Oil" was misbranded for the reason that certain statements borne on the labels of the bottles falsely and fraudulently represented it as a cure for salt rheum, erysipelas, piles, stiff joints, diphtheria, sore throat, quinsy, coughs, colds, and carache, when, in truth and in fact, it was not.

It was alleged in substance that the "Arctic Oil" was misbranded for the reason that certain statements borne on the labels on the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for rheumatism, diphtheria, sore throat, quinsy, nervous headache, colic, sprains, neuralgia, catarrh, and all kinds of lameness, when, in truth and in fact it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for acute and chronic rheumatism, spinal and head complaints, all kinds of lameness in man and beast, colic in horses, distemper, stifle, sweeney, and founder, when, in truth and in fact, it was not.

It was alleged in substance that the "M. W. Marshall's Rheumatic Oil" was misbranded for the reason that certain statements borne on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for rheumatism, nervous headache, colic, sprains, neuralgia, catarrh, and all kinds of lameness, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for acute or chronic rheumatism, neuralgia, nervous headache, quinsy, diphtheria, spinal and hip complaints, and lameness, colic in horses, distemper, stifle, sweeney, and founder, when, in truth and in fact, it was not.

On June 7, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

J. R. Riggs, *Acting Secretary of Agriculture.*

6749. Adulteration of eggs. U. S. * * * v. George R. Brooks, William O. Brooks, and George Ross Brooks, jr. (Brooks & Sons). Pleas of guilty. Fine, $10 and costs. (F. & D. No. 9114. I. S. No. 16502-p.)

On November 15, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George R. Brooks, William O. Brooks, and George Ross Brooks, jr., copartners, trading as Brooks and Sons, Moreland, Kans., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about August 8, 1917, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed in 5 one-half cases 116 or 12.8 per cent inedible eggs, consisting mainly of white rots and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 26, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6750. Misbranding of Perry's Swine-Lixir. U. S. * * * v. 2 Cases * * * of Perry's Swine-Lixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9118. I. S. No. 1744-p. S. No. E-1057.)

On July 6, 1918, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing one dozen bottles of Perry's Swine-Lixir, consigned by the Swine Elixir Mfg. Co., Moultrie, Ga., remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped on or about May 4, 1918, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part, "Perry's Swine-Lixir."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was composed of sulphuric acid, oil of turpentine, iron oxid, and water.

Misbranding of the article was alleged for the reason that the label on the bottles bore statements regarding the curative and therapeutic effect of the article which were false and misleading; that is to say, the labels on the bottles contained the false statements, "A remedy for hog troubles. Perry's Swine Lixir * * * is especially recommended for hog cholera in every form * * *. If this medicine is given according to our directions there will be no reason for stock raisers to lose any hogs by reason of general sickness or disease * * *," whereas said statements, borne on the labels of the bottles with reference to the curative and therapeutic effect of the article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the therapeutic effect claimed for it.

On December 19, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 6701 TO 6750.

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1920

S. R. A.—Chem. Suppl. 66. Issued April 20, 1920.

United States Department of Agriculture,

BUREAU OF CHEMISTRY,

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6751–6800.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 26, 1920.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6751. Adulteration of salmon. U. S. * * * v. 200 Cases * * * of Fancy Pink Alaska Salmon. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9121. I. S. No. 8891–p. S. No. C–920.)

On June 27, 1918, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, more or less, each containing 48 cans of Fancy Pink Alaska Salmon, Cable Brand, consigned on or about November 15, 1917, by F. C. Barnes Co., Seattle, Wash., remaining unsold in the original unbroken packages at Ashland, Ky., alleging that the article had been shipped and transported from the State of Washington into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 26, 1919, Kitchen, Whitt & Co., Ashland, Ky., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that judgment be entered against said claimant for the costs of the proceedings.

J. R. Riggs, *Acting Secretary of Agriculture.*

6752. Misbranding of Romko. U. S. * * * v. 72 Bottles of Romko. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9122. I. S. No. 3933–p. S. No. E–1054.)

On July 1, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and con-

demnation of 72 bottles of Romko at Newark, N. J., alleging that the article had been shipped on or about April 29, 1918, by the Royal Mfg. Co., Duquesne, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (On bottle) "Romko Prepared by the Baby Safety Co., Duquesne, Pa. Contains ⅛ Grain Sulphate of Morphine in each fluid ounce and 5% Alcohol by volume. * * * Price 35 cents." (On circular) "* * * Romko.—An efficacious compound recommended by us for Infants for the treatment of Colic * * *; also to sooth crying Infants and to promote restful sleep. * * *"

Analysis of the article by the Bureau of Chemistry of this department showed that it contained morphine sulphate, rhubarb, tartrates of sodium and potassium, aromatics including methyl salicylate, alcohol, sugar, and water.

Misbranding of the article was alleged in the libel for the reason that the statements borne on the circular were false and fraudulent in that they represented that the article would produce certain therapeutic effects as claimed for it, whereas, in truth and in fact, it would not, and the article contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed on the circular. Misbranding of the article was alleged for the further reason that the statement borne on the circular was false, fraudulent, and misleading in that it conveyed the impression that the article would soothe crying infants and promote a restful sleep, whereas, in truth and in fact, it contained a harmful drug and would not soothe crying infants or produce restful sleep. Misbranding of the article was alleged for the further reason that the statement, to wit, "Baby Safety Co.," by the manner of its display was intended to produce the false impression that the article could be administered with safety to babies, whereas, in truth and in fact, it contained a drug harmful to children and could not be administered to babies with safety.

On November 21, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6753. Adulteration of salmon. U. S. * * * v. 100 Cases of Fancy Pink Alaska Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9123. I. S. No. 8896-p. S. No. E-1061.)

On June 29, 1918, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases more or less, each case containing 48 cans of Fancy Pink Alaska Salmon, Cable Brand, at Logan, W. Va., alleging that the article had been shipped on or about December 5, 1917, by the F. C. Barnes Co., Ashland, Ky., and transported from the State of Kentucky into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The salmon was originally shipped from Seattle, Wash., by F. C. Barnes Co., on or about November 15, 1917.

Adulteration of the article was alleged in the libel for the reason that it contained certain decomposed animal substance.

On January 10, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6754. Misbranding of Sulferro-Sol. U. S. * * * v. 20 Cartons * * * Sulferro-Sol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9127. I. S. No. 1982-p. S. No. E-1062.)

On July 3, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cartons of Sulferro-Sol, consigned on or about April 27, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by The Sul-Ferro-Sol Co., Birmingham, Ala., and transported from the State of Alabama into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled:

(On bottle) "Sulferro-Sol A natural Nerve Tonic and Blood Purifier Contains No Alcohol This wonderful compound is of exceptional value in the treatment of Pellagra, Dyspepsia, Indigestion, Aenemia [anemia], Chronic Abscesses and all forms of Stomach, Kidney, Skin, Blood and Nervous troubles. * * * See circular for special directions. Price One Dollar Distributed by The Sul-Ferro-Sol Co. Birmingham, Ala."

(On carton) "Sulferro-Sol Nature's Own Remedy A Natural Nerve Tonic and Blood Purifier Contains No Alcohol This wonderful compound has been found to be very beneficial in the treatment of Pellagra, Indigestion, Colic, Rheumatism, Dyspepsia, Diarrhoea and various forms of Stomach, Kidney, Bladder, Blood, Skin and Nervous Troubles. * * * Price $1.00 Distributed by The Sul-Ferro-Sol Company, Inc., Birmingham, Alabama. * * *"

(In booklet) "* * * In the following diseases Sulferro-Sol will be found to be the most powerful known remedy: Pellagra the most formidable of all diseases, heads the list; then comes Dyspepsia and Indigestion, Rheumatism, Kidney and Bladder Troubles, Diarrhoea, Dysentery, Flux and Internal Hemorrhages, Cuts, Burns, Bruises, Old or Fresh Sores, Tetter, Eczema, and all skin diseases, and because of its abundant proportion of iron it makes a wonderful remedy for female troubles—building and toning up the system and enabling it to resist diseases—in only the rarest instances does this wondrous remedy disappoint our limitless faith in its sublime curative powers. * * * Sulferro-Sol will absolutely drive every disease germ out of the blood. Impure blood and the sores and diseases that come from it can not remain in the human system when Sulferro-Sol is taken. * * * Taken according to directions, Sulferro-Sol may be taken in deepest confidence for all stomach disorders. It has not, so far, been known to fail in its beneficient work. * * * Sulferro-Sol has been victorious over Pellegra in thousands of cases * * * Pellagra * * * Sulferro-Sol is well known as practically the only certain remedy for this malignant disease. * * * Sulferro-Sol is a veritable blessing to Rheumatic sufferers. * * * It will bring relief when every other remedy has failed. * * * The only PERMANENT relief for Rheumatism is to thoroughly renovate and cleanse the blood and assist it to carry these salts completely out of the system. Sulferro-Sol will do this MORE POSITIVELY and MORE QUICKLY than any other remedy. It has never known failure when properly used, and we urge all sufferers to get this remedy and follow its use faithfully until it has demonstrated its unquestioned ability to effect a permanent relief for this painful disease. * * * The only way to go to the very seat of Rheumatism is through the blood, and the greatest remedy in all blood troubles is Sulferro-Sol. * * * The danger signals from disordered Kidneys and Bladder are numerous and unmistakable. * * * Sulferro-Sol goes direct to the seat of these troubles and performs its work through the blood, healing and soothing as it goes along, stopping all irritations of the walls of the bladder, assisting the Kidneys in their functions and restoring normal and healthful conditions both in the Kidneys and Bladder. * * * In cases of extreme or chronic dysentery, flux or intestinal hemorrhage, it has proven dependably efficacious even when all other remedies failed. Sulferro-Sol should be kept on hand always and depended on for the correction of all stomach and bowel complaints. * * * Sulferro-Sol * * * drives out Rheumatism more effectively and more promptly than any other remedy. * * * INDIGESTION No matter of how long standing or how obstinate, indigestion will quickly yield to Sulferro-Sol * * * My step-daughter * * * was cured

of Tuberculosis of the Bone with Sulferro-Sol * * * a remedy for Pellagra that has become accepted as a dependable specific for this dreadful disease. * * * It is recommended * * * that Sulferro-Sol be kept in the house and taken as a preventive for Pellagra, as it will surely keep the stomach and system in the best possible condition to ward off any insidious attacks of Pellagra. Sulferro-Sol will guard every member of your household against disease. * * * Sulferro-Sol has been used in numberless cases of Asthma and Catarrh and rarely ever fails to give quick and permanent relief * * * Sulferro-Sol the most dependable and the most efficacious Blood and Stomach REMEDY Ever Offered * * *." (See booklet for various other false and fraudulent curative and therapeutic claims.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the product was essentially a solution of iron sulphate and aluminum sulphate in water.

It was alleged in substance in the libel that the article was misbranded for the reason that it contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it on the bottle label, carton, and in the booklet.

On August 15, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6755. Adulteration of apple butter. U. S. * * * v. 59 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9128. I. S. Nos. 9559–9560–p. S. No. C–926.)

On July 12, 1918, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 59 cases of apple butter, remaining unsold in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped on or about March 19, 1918, and transported from the State of Missouri into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Dawson's Brand Apple Butter, * * * made by Dawson Bros. Mfg. Co. Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On July 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6756. Adulteration and misbranding of cocoa. U. S. * * * v. 150 Cases * * * of Cocoa. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9129. I. S. No. 3935–p. S. No. E–1064.)

On July 5, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases, each containing 224 pounds of cocoa, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about April 15, 1918, by the Clinton Cocoa Works, Hoboken, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that an excessive amount of cocoa shells had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and, further, that a certain substance had been substituted in part for the article.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cocoa.

On August 28, 1918, Opler Bros., Inc., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $4,400, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

J. R. Riggs, *Acting Secretary of Agriculture.*

6757. Adulteration and misbranding of olive oil. U. S. * * * v. 90 Half-gallon Cans and 44 Quart Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9130. I. S. Nos. 6578–6579–p. S. No. E–1067.)

On July 5, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 half-gallon cans, and 44 quart cans of olive oil, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped on or about November 10, 1917, by Garra & Trusso, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pure Extra Fine Olive Oil Extra 1 Imported from Lucca Tuscany Italy," and "Full Half Gallon," and "Full Quart."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted almost wholly for olive oil, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statement borne on the labels of the cans, to wit, "Olive Oil," was false and misleading in that it was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product when, in truth and in fact, it was not, but was a product of domestic manufacture packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that the labels of the cans bore the statement, to wit, "Full Half Gallon," whereas there was a shortage in each can of 3 per cent from the declared contents, and the statement, to wit, "Full Quart," whereas there was a shortage in each can of 2.7 per cent from the declared contents; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On October 5, 1918, the said Garra & Trusso, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6758. Adulteration of tomato pulp. U. S. * * * v. 946 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9131. I. S. No. 1983-p. S. No. E-1065.)

On July 6, 1918, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 946 cans, each containing 5 gallons of tomato pulp, remaining unsold in the original unbroken packages at Albion, N. Y., alleging that the article had been shipped on or about June 27, 1918, by the Phillips Packing Co., Cambridge, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On July 23, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6759. Adulteration and misbranding of olive oil. U. S. * * * v. 31 One-gallon Cans, 8 One-half Gallon Cans, and 35 Quarter-gallon Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9133. I. S. No. 9776-p. S. No. C-929.)

On July 9, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 one-gallon cans, 8 one-half gallon cans, and 35 quarter-gallon cans of olive oil at Cleveland, Ohio, alleging that the article had been shipped on or about May 27, 1918, by Nicholas Cosentino, Detroit, Mich., and transported from the State of Michigan into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Finest Quality Olive Oil, Extra Pure," and "1 Gallon Net," "½ Gallon Net," and "¼ Gallon Net," as the case may be.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article, thereby lowering its quality, strength, and value.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading, and deceived and misled the purchaser, in that it indicated that the cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted in part for the article; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that the labels indicated that they contained "1 Gallon Net," "½ Gallon Net," and "¼ Gallon Net," when, in truth and in fact, there was a shortage from the declared contents of 2.2 per cent, 6.5 per cent, and 5.9 per cent, respectively, in each size can; and for the further reason that it was food

in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 20, 1918, the Leonard F. Gaglione Retail Grocery, Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6760. Adulteration and misbranding of olive oil. U. S. * * * v. 5 One-gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9134. I. S. No. 9775-p. S. No. C-928.)

On July 10, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 one-gallon cans of olive oil at Cleveland, Ohio, alleging that the article had been shipped on or about November 24, 1917, by Courumalis & Co., New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Finest Quality Olive Oil Extra Pure * * * 1 Gallon Net."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading, and deceived and misled the purchaser, in that such statement indicated that the cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted in part for the article; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the labels indicated that each of the cans contained one gallon net, when, in truth and in fact, there was a shortage from the declared contents of 3.36 per cent. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6761. Adulteration of frozen egg yolks. U. S. * * * v. 500 Cans * * * and 541 Cans of Frozen Egg Yolks. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9136. I. S. Nos. 3034-3035-p. S. No. E-1069.)

On July 11, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cans and 541 cans of frozen egg yolks, consigned by W. G. Howard & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or

about May 21, 1918, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 19, 1918, the said W. G. Howard & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $9,000, in conformity with section 10 of the act, conditioned in part that the product should be shipped to the food commissioner of the State of Illinois for resortment.

J. R. Riggs, *Acting Secretary of Agriculture.*

6762. Adulteration of eggs. U. S. * * * v. 4 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9137. I. S. No. 11847-p. S. No. C-924.)

On June 20, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 30 dozen eggs, at Chicago, Ill., alleging that the article had been shipped by E. C. Grady, Grundy Center, Iowa, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted wholly of a decomposed animal substance.

On June 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6763. Adulteration of salmon. U. S. * * * v. 24 Cases * * * of Fancy Pink Alaska Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9138. I. S. No. 8899-p. S. No. C-931.)

On July 12, 1918, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cases, each containing 48 cans of Fancy Pink Alaska Salmon, consigned on or about November 15, 1917, by F. C. Barnes Co., Portland, Ore., remaining unsold in the original unbroken packages at Pikeville, Ky., and transported from the State of Oregon into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Fancy Pink Alaska Salmon * * * Cable Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that judgment be entered against the Kentucky Wholesale Co., Pikeville, Ky., for the costs of the proceedings.

J. R. Riggs, *Acting Secretary of Agriculture.*

6764. Misbranding of B. A. Thomas' Improved Hog Powder and Hog Remedy. U. S. * * * v. 63 2-Pound Packages and 5 15-Pound Pails of B. A. Thomas' Improved Hog Powder and 21 5-Pound Bags of B. A. Thomas' Improved Hog Remedy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9139. I. S. No. 12046-p. S. No. C-927.)

On July 12, 1918, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on August 26, 1918, an amended libel, praying the seizure and condemnation of 63 2-pound packages and 5 15-pound pails of B. A. Thomas' Improved Hog Powder, and 21 5-pound bags of B. A. Thomas' Improved Hog Remedy, remaining unsold in the original unbroken packages at Houma, La., alleging that the articles had been shipped on or about April 18, 1918, by the Old Kentucky Mfg. Co., Paducah, Ky., and transported from the State of Kentucky into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part:

HOG POWDER.

(On packages) "B. A. Thomas' Improved Hog Powder * * * is a safe and effective remedy for diseases of hogs * * * Is a preventive remedy for cholera and swine plague * * * It was during a general epidemic of hog cholera in his county which had spread to his own herd and he first used this remedy with such splendid effect that he did not lose a single hog, although a number were past eating and were apparently in a hopeless condition * * * Proving so successful in his case he continued the use of it as a remedy for cholera, swine plague * * * During the years that have followed it has been subjected to the most severe tests in some of the worst epidemics of hog cholera ever known and wherever used as directed it has proved as equally successful as Mr. Thomas' first experience with it."

(On pails) "B. A. Thomas' Improved Hog Powder * * * To use this remedy as a preventive for cholera * * * Aside from the medicinal properties of this remedy for such diseases as Cholera, Swine Plague * * *."

HOG REMEDY.

(On bags) "B. A. Thomas' Improved Hog Remedy * * * Effective remedy for hog diseases * * * protects from disease by removing the cause * * *."

(On booklet) "B. A. Thomas' Improved Hog Powder a safe remedy and preventive for contagious germ diseases such as cholera, swine plague * * *. If used as directed we positively guarantee one pound of B. A. Thomas' Improved Hog Powder to cure any one case of hog cholera or we will refund your money * * *."

Analyses of samples by the Bureau of Chemistry of this department showed that the articles consisted of iron oxid, lime, and sulphates, carbonates, and chlorids of calcium, magnesium, and sodium.

Misbranding of the articles was alleged in the libel for the reason that the statements borne on the labels of the packages, pails, and bags, and in the booklet accompanying the article, were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it in the labels and booklet.

On April 23, 1919, the said Old Kentucky Mfg. Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6765. Adulteration of milk. U. S. * * * v. Herman Poehling and Benjamin Poehling (Herman Poehling). Plea of guilty. Fine, $50 and costs. (F. & D. No. 9142. I. S. No. 10068-p.)

On November 13, 1918, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Poehling and Benjamin Poehling, copartners, trading as Herman Poehling, Aviston, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 11, 1917, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 60° F	25.7
Fat (per cent)	3.8
Solids not fat (per cent)	7.14
Total solids calculated (per cent)	10.94
Total solids by drying (per cent)	10.95
Immersion refractometer reading at 20° C	37.0

Nitrates: Positive.

These results show the milk to contain added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for milk, which the article purported to be.

On December 10, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6766. Misbranding of Seelye's Ner-Vena. U. S. * * * v. A. B. Seelye Medical Co., a corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 9144. I. S. No. 10521-m.)

On November 26, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. B. Seelye Medical Co., a corporation, Abilene, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 4, 1917, from the State of Kansas into the State of Missouri, of a quantity of an article, labeled in part "Seelye's Ner-Vena," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a sirup containing alcohol and vegetable extractives, among which were those of juniper, wild cherry, senna, gentian, sassafras, uva ursi, and cinchona.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the cartons and bottles falsely and fraudulently represented it as a treatment, remedy, and cure for diseases of the nerves, blood, and kidneys, as a treatment, remedy, and cure for diseases peculiar to the stomach, liver, kidneys, and nervous system, and effective to purify the blood, indigestion, dyspepsia, weak heart, pericarditis, jaundice, liver complaint, kidney and urinary troubles (gravel, incontinency of urine), malaria, and miasmatic affections, scrofula,

rheumatism, impure blood, diseases of a nervous and constitutional nature such as hysteria, fainting spells, loss of constitutional vigor, constant tired feeling, restlessness, impaired vision, nasal catarrh, pain in the back part of the brain and along the spinal cord, pimples and blotches, acute tenderness, pain in the region of the kidneys, frequent desire to urinate, suppressed and scanty urine, swelling of the limbs, difficulty in breathing, loss of memory, fever, ague and chills, premature old age and decay, female weakness, neurasthenia, nervous debility, nervous and sick headache, palpitation of the heart, falling fits, locomotor ataxia, dizziness, sinking spells, bed wetting, female complaints, irregularity, suppression and painful menstruation, and all complaints originating from a bad or impoverished blood supply, and effective to give new life to all parts of the system, and effective as a powerful aid in building up a strong constitution, to renew and build up the nervous system, to give vigor to tired and worn-out nerves, to strengthen the whole vital forces of life, and to supply the tissues with their proper foods, when, in truth and in fact, it was not.

On March 5, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6767. Adulteration of balsam copaiba. U. S. * * * v. Hymes Bros. Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 9148. I. S. No. 2451-m.)

On December 13, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hymes Bros. Co., a corporation, New York, N. Y., alleging shipment by said company, on March 16, 1917, from the State of New York into the State of Georgia, of a quantity of an article, labeled in part "Balsam Copaiba," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted in whole or in part of African copaiba, that the optical rotation of the volatile oil (100 mm. tube) was +5° 57′, and that 50 per cent of the volatile oil boiled below 250° C.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the article, in that said Pharmacopœia provides that balsam copaiba should be derived from one or more South American species of copaiba, whereas, in truth and in fact, said drug was not derived from one or more South American species of copaiba, but was derived in whole or in part from African balsam; and in that the said Pharmacopœia provides that the volatile oil separated from balsam copaiba by distillation with steam does not boil below 250° C., and shows an angle of rotation in a 100 mm. tube of not less than −7° at 25° C., whereas the volatile oil separated from the article by distillation by steam did boil below 250° C., and showed an angle of rotation in a 100 mm. tube of approximately +6° at 25° C., and the strength, quality, and purity of the article was not declared on the container thereof.

On December 24, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

J. R. Riggs, *Acting Secretary of Agriculture.*

6768. Adulteration of tomatoes. U. S. * * * v. William W. Finney. Plea of guilty. Fine, $25 and costs. (F. & D. No. 9149. I. S. No. 8559-p.)

On November 18, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William W. Finney, Bel Air, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 20, 1917, from the State of Maryland into the State of Texas, of a quantity of an article, labeled in part "Quarryville Brand Tomatoes," which was adulterated.

The immersion refractometer readings of the juice at 20° C. by the Bureau of Chemistry of this department showed the tomatoes contained added water, estimated approximately at 10 per cent or over in the majority of cans.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for tomatoes, which the article purported to be.

On November 18, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6769. Misbranding of Zaegel's Lung Balsam and Z. M. O. U. S. * * * v. Max R. Zaegel (Max R. Zaegel & Co.). Plea of guilty. Fine, $200. (F. & D. No. 9156. I. S. Nos. 12606-12607-p.)

On October 28, 1918, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max R. Zaegel, trading as Max R. Zaegel & Co., Sheboygan, Wis., alleging shipment by said defendant, on or about September 19, 1917, from the State of Wisconsin into the State of Minnesota, of quantities of articles, labeled in part "Zaegel's Lung Balsam" and "Z. M. O.," which were misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the Lung Balsam consisted essentially of sirup containing a small amount of plant extract, colored red and flavored with oil of peppermint, and that the Z. M. O. consisted essentially of a mixture of oils including sassafras and menthol, and a small amount of unidentified fatty oil.

It was alleged in substance in the information that the Lung Balsam was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a remedy, treatment, and cure for diseases of the lungs, coughs, and effective to remove the cause of irritation and give ease and comfort to the lungs, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy, treatment, and cure for coughs, lung and throat troubles, and whooping cough, and effective when used in connection with Z. M. O. as a remedy, treatment, and cure for pneumonia, and effective when used in connection with Zaegel's Essence as a remedy, treatment, and cure for consumption, when, in truth and in fact, it was not.

It was alleged in substance that the Z. M. O. was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for

rheumatism, sore throat, piles, burns, coughs, and stomach pains, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for kidney and bladder trouble, consumption, cancer, catarrh, deafness, blood poisoning, tumors, sore breast, abscesses, bronchitis, chicken pox (and any rash), eczema, erysipelas, pimples, and tonsilitis, when, in truth and in fact, it was not.

On December 21, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $200.

J. R. Riggs, *Acting Secretary of Agriculture.*

6770. Misbranding of Hill's Rheumatic Pills. U. S. * * * v. Harriet W. Belden (The H. W. Belden Co.). Plea of guilty. Fine, $10. (F. & D. No. 9158. I. S. No. 1317–p.)

On April 1, 1919, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harriet W. Belden, trading as The H. W. Belden Co., Minneapolis, Minn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 25, 1917, from the State of Minnesota into the State of New York, of a quantity of an article, labeled in part "Hill's Rheumatic Pills," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of vegetable extracts, including aloes, and 5 per cent of mineral salts. It contained no alkaloids, salicylates, carbonates, iodids, bromids, ammonia, or guaiac.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the boxes falsely and fraudulently represented it as a treatment, remedy, and cure for rheumatism, rheumatic pains, sciatica, lumbago, neuralgia, gout, all rheumatic affections, all diseases resulting from impure or poisoned blood, erysipelas, eczema, salt rheum, or diseases of a syphilitic nature, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for all diseases arising from blood troubles, Rigg's Diseases, or pyorrhea, when, in truth and in fact, it was not.

On April 3, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

J. R. Riggs, *Acting Secretary of Agriculture.*

6771. Misbranding of Jenkins' Rheumatism, Gout and Neuralgia Annihilator. U. S. * * * v. Parker-Blake Co. Ltd., a corporation. Plea of guilty. Fine, $10. (F. & D. No. 9159. I. S. No. 8536–p.)

On June 16, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Parker-Blake Co. Ltd., a corporation, New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 9, 1917, from the State of Louisiana into the State of Texas, of a quantity of an article, labeled in part "Jenkins' Rheumatism, Gout and Neuralgia Annihilator," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product contained resinous plant extract, salicylic acid (1.5 per cent), alcohol (46.8 per cent by volume), and water.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a cure for rheumatism, gout, and neuralgia, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the booklet accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for rheumatism, and effective as a treatment, remedy, and cure for acute articular, chronic articular, and muscular rheumatism, rheumatism of the head, rheumatism of the neck (torticollis), rheumatism of the lumbar region (lumbago), rheumatism of the chest (pleurodynia), rheumatism of the shoulder (scapulodynia), rheumatism of the abdominal walls, internal rheumatism, neuralgia, and gout; and effective as a constitutional medicine for females, with a peculiar specific action on the circulatory system which renders it invaluable in all cases of insufficient, irregular, and painful functions; and effective as a remedy, treatment, and cure for paralysis and sciatica, when, in truth and in fact, it was not.

On June 16, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

J. R. Riggs, *Acting Secretary of Agriculture.*

6772. Adulteration of tomato pulp. U. S. * * * v. 120 Cases and 1590 Cases of Tomato Pulp. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 9163, 9164. I. S. No. 3043–p. S. No. 1066.)

On July 20, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 120 cases, each containing 6 cans of tomato pulp, and 1590 cases, each containing 6 cans of tomato pulp, consigned by the Cover Canning Co., Willoughby, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about May 25, 1918, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Tomato Pulp * * * Packed by Cover Canning Co., Willoughby, Md."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed vegetable substance.

On January 6, 1919, claimant having consented thereto, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6773. Adulteration of tomato catsup. U. S. * * * v. 100 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9167. I. S. No. 12210–p. S. No. C–937.)

On July 27, 1918, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 24 bottles of tomato catsup, at Birmingham, Ala., alleging that the article had been shipped on March 25,

1918, by the Frazier Packing Co., Elwood, Ind., and transported from the State of Indiana into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Liberty Bell Brand Tomato Catsup * * * Prepared by the Frazier Packing Co., Elwood, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On September 2, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6774. Adulteration of catsup. U. S. * * * v. 1000 Cases * * * of Catsup. Tried to the court and a jury. Verdict for the Government. Product ordered destroyed. (F. & D. No. 9168. I. S. No. 9469–p. S. No. C–936.)

On July 26, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1000 cases of catsup, remaining unsold in the original unbroken packages at Duluth, Minn., alleging that the article had been shipped on or about March 29, 1918, by Woods Cross Canning Co., Layton, Utah, and transported from the State of Utah into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Woods Cross Brand Catsup * * * Packed by Woods Cross Canning Co., Woods Cross, Utah."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 27, 1919, the case having come on for hearing before the court and a jury, after submission of evidence and argument of counsel, the court having instructed the jury, they thereupon retired, and after due deliberation returned a verdict for the Government, and in accordance with said verdict on February 6, 1919, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that judgment be entered against the Woods Cross Canning Co. for the costs of the proceedings.

J. R. Riggs, *Acting Secretary of Agriculture.*

6775. Adulteration of tomato catsup. U. S. * * * v. 95 Cases of Tomato Catsup, and U. S. * * * v. 135 Cases and 201 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 9169, 9170. I. S. Nos. 12207–12208–12209–p. S. No. C–938.)

On July 27, 1918, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 95 cases, each containing six cans of tomato catsup, and 135 cases and 201 cases of tomato catsup, remaining unsold in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped on March 25, 1918, by the Frazier Packing Co., Elwood, Ind., and transported from the State of Indiana into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Frazier's Tomato Catsup. Prepared by the Frazier Packing Co., Elwood, Indiana."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On September 2, 1918, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6776. Adulteration of shell eggs. U. S. * * * v. 400 Cases * * * of Shell Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9221. I. S. No. 14804–r. S. No. E–1070.)

On July 15, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases, each containing 30 dozen shell eggs, consigned by D. N. Lightfoot & Son, Springfield, Mo., remaining unsold in the original unbroken packages, at Philadelphia, Pa., alleging that the article had been shipped on or about June 16, 1918, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 20, 1918, the said D. N. Lightfoot & Son, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $6,000, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6777. Misbranding of Short Stop. U. S. * * * v. Henry M. O'Neil. Plea of guilty. Fine, $15. (F. & D. No. 9233. I. S. No. 1014–p.)

On January 24, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry M. O'Neil, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on August 30, 1917, from the State of New York into the State of New Jersey, of a quantity of an article, labeled in part "Short Stop," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of licorice and wild cherry extracts, and ammonium carbonate in sirup. It also contained small amounts of an antimony salt, benzoic acid, camphor, oil of anise, and traces of an unidentified alkaloid.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the wrappers and bottles falsely and fraudulently represented it as a treatment, remedy, and cure for pneumonia, difficult breathing, and all throat and lung troubles, as a preventive of, and treatment, remedy, and cure for, consumption, and as a specific for consumption, colds, hoarseness, bronchitis, pneumonia, difficult breathing, and all throat and lung troubles, when, in truth and in fact, it was not.

On January 29, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $15.

J. R. Riggs, *Acting Secretary of Agriculture.*

6778. Adulteration and misbranding of olive oil. U. S. * * * v. Ignatius Scaduto. Plea of guilty. Fine, $22.50. (F. & D. No. 9237. I. S. Nos. 1356-p, 1363-p.)

On January 16, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ignatius Scaduto, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on November 22, 1917, from the State of New York into the State of Connecticut, of quantities of an article, labeled in part "Finest Quality Olive Oil," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	¼ gallon size.	½ gallon size.	1 gallon size.
Net contents	1 pint 14.10 fluid ounces and 1 pint 14.71 ounces.	1 quart 1 pint 15.59 fluid ounces.	3 quarts 1 pint 11.33 fluid ounces.
Shortage	1.90 fluid ounces or 5.94 per cent and 1.29 fluid ounces or 4.00 per cent.	0.41 fluid ounces or 0.62 per cent.	4.67 fluid ounces or 3.65 per cent.
Iodin No	101.0	101.5	101.9.
Cottonseed oil test	Strongly positive	Strongly positive	Strong indication.

Analysis indicates this product consists almost wholly of cottonseed oil.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia Italia, Guaranteed Absolutely Pure One Gallon Net," or "½ Gallon Net," or "¼ Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, and that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and in that each of said cans contained one gallon net, or ½ gallon net, or ¼ gallon net, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and in that each of said cans contained one gallon net, or ½ gallon net, or ¼ gallon net, of the article, whereas, in truth and in fact, it was not pure olive oil, but was a product composed in part of cottonseed oil, and was not a foreign product, but was a domestic product, to wit, a product produced in the United States of America, and that each of said cans contained less than one gallon net, or ½ gallon net, or ¼ gallon net, of the article. Misbranding of the article was alleged for the further reason that it was a product composed in part of cottonseed oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 29, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $22.50.

 J. R. Riggs, *Acting Secretary of Agriculture.*

6779. Adulteration of Powdered Licorice Root Spanish, Granulated Blue Cohosh, Granulated Black Haw Bark of Root, and Granulated Pink Root. U. S. * * * v. J. L. Hopkins & Co. Plea of guilty. Fine, $20. (F. & D. No. 9238. I. S. Nos. 2438-m, 4744-m, 4745-m, 4747-m.)

On January 18, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. L. Hopkins & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on May 8, 1917, from the State of New York into the State of Georgia, of a quantity of "Powdered Licorice Root Spanish," and on April 6, 1917 (2 shipments), and April 7, 1917, from the State of New York into the State of Maryland, of quantities of articles, labeled in part "Granulated Blue Cohosh, "Granulated Black Haw Bark of Root," and "Granulated Pink Root," all of which were adulterated.

Analyses of samples by the Bureau of Chemistry of this department showed the articles yielded percentages of ash as follows:

Powdered licorice root Spanish	11.3
Granulated blue cohosh	10.41
Granulated pink root	17.12

The granulated black haw bark of root contained 7.49 per cent of sand.

Adulteration of the "Powdered Licorice Root Spanish" was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopoeia, official at the time of investigation of the article, in that said article yielded 11.3 per cent of ash, whereas said Pharmacopoeia provides that said article should yield not more than 7 per cent of ash, and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the "Granulated Blue Cohosh" was alleged for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary, official at the time of the investigation of the article, in that it yielded 10.41 per cent of ash, whereas said National Formulary provides that the article should yield not more than 6 per cent of ash.

Adulteration of the "Granulated Black Haw Bark of Root" was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as black haw bark root, whereas it was a product which was composed in part of sand.

Adulteration of the "Granulated Pink Root" was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopoeia, official at the time of the investigation of the article, in that said article yielded 17.12 per cent of ash, whereas said Pharmacopoeia provides that it should not yield more than 10 per cent of ash.

On February 26, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20.

J. R. Riggs, *Acting Secretary of Agriculture.*

6780. Adulteration of horse beans. U. S. * * * v. 638 Bags of Horse Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9171. I. S. No. 2201–r. S. No. W–232.)

On July 26, 1918, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 638 bags of horse beans, remaining unsold in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped on or about July 22, 1918, by P. Caldarone, Sacramento, Cal., and was en route from the State of California to the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On October 8, 1918, Caldarone & Grillo, Boston, Mass., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $7,000, in conformity with section 10 of the act, conditioned in part that the product should be shipped to Boston, Mass., there to be duly inspected by a representative of this department after the same had been sorted.

J. R. Riggs, *Acting Secretary of Agriculture.*

6781. Adulteration of horse beans. U. S. * * * v. 600 Bags of Horse Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9172. I. S. No. 2202–r. S. No. W–233.)

On July 26, 1918, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 bags of horse beans, remaining unsold in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped on or about July 22, 1918, by F. Lagomarsino & Sons, Sacramento, Cal., and was en route from the State of California to the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On August 28, 1918, Musolino & Berger, Boston, Mass., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that the product should be shipped to Boston, Mass., there to be duly inspected by a representative of this department after the same had been sorted.

J. R. Riggs, *Acting Secretary of Agriculture.*

6782. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Clarence L. Montgomery (C. L. Montgomery & Co.). Plea of guilty. Fine, $100 and costs. (F. & D. No. 9239. I. S. No. 3784–l.)

On November 15, 1918, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Clarence L. Montgomery, trading as C. L. Montgomery & Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 5, 1916, from the State of Tennessee into the State of Maine, of a quantity of cottonseed meal, which was adulterated and misbranded. The article was unlabeled but was shipped pursuant to a confirmation of purchase which directed shipment of "38.62 per cent Prot. Cottonseed Meal."

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)	5.88
Protein (N x 6.25) (per cent)	36.75

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed meal, which contained 36.75 per cent protein had been substituted in whole or in part for 38.62 per cent protein cottonseed meal, which the article purported to be.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 20, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6783. Adulteration and misbranding of chloroform liniment and soap liniment. U. S. * * * v. Tincture & Extract Co., a corporation. Plea of guilty. Fine, $200. (F. & D. No. 9242. I. S. Nos. 1960-p, 1961-p, 1967-p.)

On November 18, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tincture & Extract Co., a corporation doing business at Philadelphia, Pa., alleging shipment by said company, from the State of Pennsylvania into the State of Maryland, on or about December 8, 1917, of quantities of chloroform liniment and soap liniment, and on or about November 30, 1917, of a quantity of soap liniment, each of which was adulterated and misbranded. The articles were labeled in part, "Chloroform Liniment U. S. P.," and "Soap Liniment U. S. P.," and "Tincture & Extract Co., 219 Arch St., Philadelphia, Penna."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

CHLOROFORM LINIMENT.

Chloroform (mils per liter)	429
(minims per fl. ounce)	206
Camphor (grams per liter)	21.7
Alcohol (per cent by volume)	33.8

SOAP LINIMENT.

Shipment of December 8, 1917.

Camphor (grams per 100 cc.)	3.36
Alcohol (per cent by volume)	58.64

Shipment of November 30, 1917.

Camphor (grams per 100 cc.)	3.99
Alcohol (per cent by volume)	67.2

Compared with the United States Pharmacopoeial standard the first shipment was 25 per cent deficient in camphor and 13 per cent deficient in alcohol; the second shipment was 11 per cent deficient in camphor.

Adulteration of the chloroform liniment was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopoeia, official at the time of investigation of the article, in that in 1000 mils of the article there are approximately 429 mils of chloroform, whereas said Pharmacopoeia provides that in 1000 mils of the article there shall be 300 mils of chloroform, and in that in 1000 mils of the article there are 21.7 grams of camphor, whereas said Pharmacopoeia provides that in 1000 mils of the article there shall be 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 31.5 grams of camphor, and in that the article contained 33.8 per cent of absolute alcohol by volume, whereas said Pharmacopoeia provides that in 1000 mils of the article there shall be 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 490 mils of absolute alcohol, corresponding to 47 per cent of absolute alcohol by volume, and the standard of strength, quality, and purity of the article was not declared on the containers thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Chloroform Liniment (U. S. P.) Alcohol 47% Chloroform 144 min. per fluid ounce," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was chloroform liniment (U. S. P.), to wit, chloroform liniment which conformed to the tests laid down in said Pharmacopoeia, that said article contained 47 per cent of alcohol and 144 minims chloroform to the fluid ounce, whereas, in truth and in fact, said article was not chloroform liniment which conformed to the tests laid down in said Pharmacopoeia, and said article did not contain 47 per cent of alcohol, but contained a less amount, to wit, approximately 33.8 per cent of alcohol, and did not contain 144 minims of chloroform to the fluid ounce, but did contain a greater amount, to wit, approximately 206 minims of chloroform to the fluid ounce; and for the further reason that it contained alcohol and chloroform and the label failed to bear a statement of the quantity or proportion of alcohol and chloroform contained therein.

Adulteration of the soap liniment was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopoeia, official at the time of investigation of the article, in that in 100 mils of the article there were 3.36 grams of camphor or 3.99 grams of camphor, as the case may be, whereas said Pharmacopoeia provides that in 100 mils of the article, there shall be 4.5 grams of camphor, and in that the article contained 58.64 per cent or 67.2 per cent of absolute alcohol by volume, as the case may be, whereas said Pharmacopoeia provides that the article should contain approximately 68 per cent of absolute alcohol by volume and the standard of strength, quality, and purity of the article was not declared on the containers thereof.

Misbranding of this article was alleged for the reason that the statement, to wit, "Soap Liniment, Alcohol 66%," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances therein, was false and misleading in that it represented that the article was soap liniment which conformed to the tests laid down in said Pharmacopoeia and that said article contained 66 per cent of alcohol, whereas, in truth and

in fact, it was not soap liniment which conformed to the tests laid down in said Pharmacopoeia and did not contain 66 per cent of alcohol, but contained a less amount, to wit, approximately 58.64 per cent of alcohol, or contained more than 66 per cent of alcohol, to wit, approximately 67.2 per cent of alcohol, as the case may be; and for the further reason that it contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On November 29, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200.

J. R. Riggs, *Acting Secretary of Agriculture.*

6784. Adulteration of tomato pulp. U. S. * * * v. J. Frank Hearn. Plea of nolo contendere. Fine, $75 and costs. (F. & D. No. 9245. I. S. No. 3017-p.)

On February 26, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Frank Hearn, Wingate, Md., alleging shipment by the said defendant, in violation of the Food and Drugs Act, on or about March 19, 1918, from the State of Maryland into the State of Pennsylvania, of a quantity of an article, labeled in part "Fox Creek Brand Tomato Pulp. * * * Packed by J. Frank Hearn, Wingate, Md.," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist of a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 26, 1919, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $75 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6785. Adulteration of shell eggs. U. S. * * * v. Aaron and Jennie Brackney (A. Brackney & Co.). Plea of guilty. Fine, $10 and costs. (F. & D. No. 9248. I. S. No. 8220-p.)

On December 20, 1918, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Aaron and Jennie Brackney, trading as A. Brackney & Co., a partnership, Clemons, Ia., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 4, 1917, from the State of Iowa into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that in 2 one-half cases, consisting of 360 eggs, there were 72, or 20 per cent, inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 7, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6786. Adulteration and misbranding of Smith's Grippe Tablets, Smith's Salol and Phenacetine Tablets, Smith's Ammosol Tablets, Smith's Cough Tablets, and Smith's Ammosol-Codeia Tablets. U. S. * * * v. Carroll Dunham Smith Pharmacal Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 9252. I. S. Nos. 1155–p, 1157–p, 1158–p, 1159–p, 1162–p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carroll Dunham Smith Pharmacal Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on November 14, 1917, from the State of New York into the State of New Jersey, of quantities of articles, labeled in part "Smith's Grippe Tablets," "Smith's Salol and Phenacetine Tablets," "Smith's Ammosol Tablets," "Smith's Cough Tablets," and "Smith's Ammosol-Codeia Tablets," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

GRIPPE TABLETS.

Acetphenetidin (grain per tablet)	0.255
Deficiency (per cent)	74
Sodium salicylate: Present.	
Tablets deficient in acetphenetidin.	

SALOL AND PHENACETIN TABLETS.

Salol (grains per tablet)	2.018
Deficiency (per cent)	24
Phenacetin (grain per tablet)	0.85
Deficiency (per cent)	66
Acetanilid (grains per tablet)	1.04
Not declared on label.	

AMMOSOL TABLETS.

Acetanilid (phenylacetamide) (grains per tablet)	1.95
Deficiency (per cent)	22
Ammonium salicylate (grain per tablet)	0.059

COUGH TABLETS.

Terpin hydrate (grains per tablet)	1.81
Deficiency (per cent)	28
Heroine (grain per tablet)	0.03
Deficiency (per cent)	27

AMMOSOL-CODEIA TABLETS.

Acetanilid (phenylacetamide) (grains per tablet)	1.48
Deficiency (per cent)	26
Codeine (grain per tablet)	0.158
Deficiency (per cent)	36
Ammonium salicylate (grain per tablet)	0.046

Adulteration of the article labeled "Grippe Tablets" was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in this, that it was a product which contained less than one grain of acetphenetidin, to wit, 0.255 grain acetphenetidin, and was sold as a product which contained one grain of acetphenetidin.

Misbranding of the article was alleged for the reason that the statement, to wit, "1 gr. Acetphenetidin," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained one grain acetphenetidin, whereas, in truth and in fact, it did not, but contained a less amount, to wit, approximately 0.255 grain acetphenetidin, and for the further reason that the label did not indicate that acetphenetidin is a derivative of acetanilid.

Adulteration of the article labeled "Salol and Phenacetine Tablets" was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in this, that it was a product which contained less than 2½ grains phenacetin per tablet, and less than 2½ grains of salol per tablet, to wit, approximately 0.85 grain of phenacetin per tablet, and approximately 2.018 grains salol per tablet, and was sold as a product which contained 2½ grains of phenacetin per tablet, and 2½ grains salol per tablet.

Misbranding of the article was alleged for the reason that the statement, to wit, "Phenacetin 2–1/2 gr. Salol 2–1/2 gr.," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the tablets contained in said bottle each contained not less than 2½ grains phenacetin and 2½ grains salol, whereas, in truth and in fact, each of said tablets did not contain 2½ grains phenacetin, and did not contain 2½ grains salol, but contained a less amount, to wit, approximately 0.85 grain of phenacetin and 2.018 grains salol, and for the further reason that it contained acetanilid, and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein, and for the further reason that the label did not indicate that acetphenetidin is a derivative of acetanilid.

Adulteration of the article labeled "Ammosol Tablets" was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was a product which contained less than 2½ grains of phenylacetamide per tablet, to wit, 1.95 grains of phenylacetamide per tablet, and was sold as a product which contained 2½ grains of phenylacetamide per tablet.

Misbranding of the article was alleged for the reason that the statement, to wit, "Phenylacetamide 2½ gr. * * *," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in this, that it represented that the tablets contained in said bottle each contained not less than 2½ grains of phenylacetamide, whereas, in truth and in fact, each of said tablets did not contain 2½ grains of phenylacetamide, but contained a less amount, to wit, approximately 1.95 grains of phenylacetamide, and for the further reason that it contained acetanilid, and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein.

Adulteration of the article labeled "Cough Tablets" was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in this, that it was a product which contained

less than $\frac{1}{24}$ grain of heroine per tablet, and less than 2½ grains of terpin hydrate per tablet, to wit, 0.03 grain of heroine per tablet and 1.81 grains of terpin hydrate per tablet, and was sold as a product which contained $\frac{1}{24}$ grain of heroine per tablet, and 2½ grains of terpin hydrate per tablet.

Misbranding of the article was alleged for the reason that the statement, to wit, "Heroin $\frac{1}{24}$ gr. Terpin Hydrate 2½ gr.," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the tablets contained in said bottle each contained not less than $\frac{1}{24}$ grain of heroine and not less than 2½ grains of terpin hydrate, whereas, in truth and in fact, each of said tablets did not contain $\frac{1}{24}$ grain of heroine, and did not contain 2½ grains of terpin hydrate, but contained a less amount, to wit, approximately 0.03 grain of heroine and approximately 1.81 grains of terpin hydrate, and for the further reason that it contained heroine, and the label failed to bear a statement of the quantity or proportion of heroine contained therein.

Adulteration of the article labeled "Ammosol-Codeia Tablets" was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in this, that it was a product which contained less than 2 grains of phenylacetamide per tablet, and less than 0.25 grain of codeia per tablet, to wit, 1.48 grains of phenylacetamide per tablet, and 0.158 grain of codeia per tablet, and was sold as a product which contained 2 grains of phenylacetamide per tablet, and 0.25 grain of codeia per tablet.

Misbranding of the article was alleged for the reason that the statement, to wit, "Codeia ¼ gr. * * * Phenylacetamide 2 grains," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in this, that it represented that the tablets contained in said bottles each contained not less than ¼ grain of codeia and 2 grains of phenylacetamide, whereas, in truth and in fact, each of said tablets did not contain ¼ grain of codeia and 2 grains of phenylacetamide, but did contain a less amount, to wit, approximately 0.158 grain of codeia, and 1.48 grains of phenylacetamide; and for the further reason that it contained acetanilid, and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein; and for the further reason that the label did not indicate that codeia is a derivative of morphine.

On March 12, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

J. R. Riggs, *Acting Secretary of Agriculture.*

6787. Adulteration of shell eggs. U. S. * * * v. 100 Cases of Shell Eggs. Good portion ordered sold. (F. & D. No. 9258. I. S. No. 13553-r. S. No. E-1087.)

On August 7, 1918, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of shell eggs at Binghamton, N. Y., alleging that the article had been shipped on June 24, 1918, by Turner, Clegg & O'Neill Co., Chicago, Ill., and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it was in an excessive amount decomposed, filthy, and putrid animal substance, and was in whole or in part unfit for human consumption.

On August 16, 1918, the case having come on to be heard, it was ordered by the court that the eggs should be examined and that the good portion of the eggs should be sold.

J. R. Riggs, *Acting Secretary of Agriculture.*

6788. Adulteration and misbranding of oil of birch. U. S. * * * v. 8 50-pound Cans of Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9261. I. S. No. 13716-r. S. No. E-1088.)

On August 20, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel for the seizure and condemnation of 8 50-pound cans of oil of birch, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about July 8, 1918, by E. E. Dickinson & Co., Essex, Conn., and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Dickinson's Oil Betula Lenta Sweet Birch."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, official at the time of the investigation, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article considered as a drug was alleged for the reason that it was an imitation of, and offered for sale under the name of, another article. Misbranding of the article considered as a food was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and in that the statements, "Dickinson's Oil Betula Lenta Sweet Birch," and "Oil Birch," were false and misleading, and deceived and misled the purchaser.

On October 11, 1918, E. R. Squibbs & Sons, Brooklyn, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

J. R. Riggs, *Acting Secretary of Agriculture.*

6789. Adulteration of beans in pods. U. S. * * * v. 1871 Cases of Beans in Pods. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 9263. I. S. No. 5705-r. S. No. C-959.)

On August 17, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1871 cases, each containing 24 cans of beans in pods, at Chicago, Ill., alleging that the article had been shipped on June 13, 1918, and June 22, 1918, by the Contadina Canning Co., San Jose, Cal., transported

from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed, filthy, and putrid vegetable substance.

On May 5, 1919, Antonio Morici, Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be separated under the supervision of a representative of this department, and that such portion known in the trade as "swells," and "springers," and such portion as was found in rusty cans, and such cans as were found punctured to allow the escape of gas and resealed, should be destroyed by the United States marshal, and that the remaining portion should be released to said claimant.

J. R. Riggs, *Acting Secretary of Agriculture.*

6790. Adulteration and misbranding of olive oil. U. S. * * * v. 24 Gallons of Olive Oil (so called). Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 9264. I. S. No. 13708-r. S. No E-1089.)

On August 16, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 gallons of olive oil, so called, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about June 22, 1918, by Lyriotakis Bros., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Qualita Superiore Olio Tripolitania Puro."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for the product purporting to be olive oil.

Misbranding of the article was alleged in substance for the reason that the statements borne on the labels of the cans were false and misleading, that is to say said labels bore certain designs and statements intended to be of such a character as to induce the purchaser to believe that the product was Italian olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be of foreign origin, when, in truth and fact, it was of domestic origin; and for the further reason that the label on the cans bore the words, "One Gallon Net," whereas there was a shortage in each purported gallon.

On September 13, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, or destroyed if he was unable to effect a speedy sale of the same.

J. R. Riggs, *Acting Secretary of Agriculture.*

6791. Adulteration and misbranding of distilled water. U. S. * * * v. 16 Jugs * * * of So-called Distilled Water. Default decree of condemnation, forfeiture, and destruction. Empty containers ordered sold. (F. & D. No. 9266. I. S. No. 5576-r. S. No. C-962.)

On August 19, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 jugs, purporting to contain double distilled water, remaining unsold in the original unbroken packages at Leavenworth, Kansas, alleging that the article had been shipped on or about July 8, 1918, by the Eads Water Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, putrid animal or vegetable substance so packed and mixed with the article as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the brand or label on the article was misleading and deceptive and calculated to induce the purchaser to believe the product to be pure, distilled water, whereas, it truth and in fact, it was adulterated as aforesaid.

On October 23, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed and that the empty containers should be sold by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6792. Adulteration of apple butter. U. S. * * * v. 75 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9267. I. S. No. 6201-r. S. No. C-963.)

On or about September 10, 1918, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases, each containing two dozen jars of apple butter, remaining unsold in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped on or about February 9, 1918, by Dawson Bros. Mfg. Co., Atlanta, Ga., and transported from the State of Georgia into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Dawson's Brand Apple Butter * * * Made by Dawson Bros. Mfg. Co., Atlanta, Ga."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6793. Adulteration of split herring. U. S. * * * v. 922 Barrels and 227 Barrels of Split Herring. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9268, 9269. S. Nos. C-960-961.)

On August 21, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation

of 922 barrels of split herring at Duluth, Minn., and 227 barrels of split herring at Minneapolis, Minn., alleging that the article had been shipped on or about July 20, 1917, by the Gorton Pew Fisheries Co., Gloucester, Mass., and transported from the State of Massachusetts into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On August 31, 1918, and October 10, 1918, Wolpert Davis & Co., a corporation, Minneapolis, Minn., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bond in the aggregate sum of $8,500, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6794. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Barrel of * * * Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9270. I. S. No. 2316-r. S. No. W-239.)

On August 23, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of a product purporting to be gelatin, consigned by the California Glue Co., San Francisco, Cal., and arriving at Seattle on August 10, 1918, remaining unsold in the original unbroken package at Seattle, Wash., alleging that the article had been shipped and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was unlabeled but was sold as gelatin.

Adulteration of the article was alleged in the libel for the reason that glue had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for gelatin, which the article purported to be; and in that it contained an added poisonous and added deleterious ingredient, to wit, zinc, which might render the article injurious to health.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, gelatin, when it consisted wholly or in part of glue.

On April 21, 1919, the said California Glue Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $150, in conformity with section 10 of the act, conditioned in part that said product should be mixed with a low grade of hatter's glue to render it inedible, under the supervision of a representative of this department.

J. R. Riggs, *Acting Secretary of Agriculture.*

6795. Misbranding of The Texas Wonder. U. S. * * * v. 6 Dozen Bottles of The Texas Wonder. Product ordered destroyed. (F. & D. No. 9271. I. S. No. 16009-r. S. No. E-1092.)

On August 26, 1918, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 6 dozen bottles of The Texas Wonder, consigned by E. W. Hall, St. Louis, Mo., remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped on or about Aug. 1, 1918, and transported from the State of Missouri into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On bottle) "The Texas Wonder. Contains 43 per cent alcohol. * * * E. W. Hall, Sole Manufacturer, * * * St. Louis, Mo." (On carton) "A Texas Wonder. Hall's Great Discovery * * * For kidney and bladder troubles, diabetes, weak and lame backs, rheumatism. Dissolves gravel. Regulates bladder trouble in children. One small bottle is 2 months' treatment. * * *."

Analyses of samples of the product by the Bureau of Chemistry of this department showed that it was composed essentially of copaiba, rhubarb, colchicum, guaiac, an oil similar to oil of turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements borne on the cartons and bottles, regarding the curative and therapeutic effect of the article, were false and misleading, and for the further reason that said statements borne on the bottles and cartons with reference to the curative and therapeutic effect of the article were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the therapeutic effect in said statements.

On December 19, 1918, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6796. Adulteration and misbranding of tomato catsup. U. S. * * * v. 32 Cases * * * of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9274. I. S. No. 7146–p. S. No. E–1096.)

On August 26, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 32 cases, each containing 6 cans of tomato catsup, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about April 24, 1918, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Frazier's Tomato Catsup. Prepared by the Frazier Packing Co., Elwood, Indiana."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement borne on the packages, to wit, "Six lbs. 10 oz.," was false and misleading, so as to deceive and mislead the purchaser thereof, and create in his mind the belief that the packages contained six pounds and ten ounces of the product, whereas, in truth and in fact, they did not, but contained a materially less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On October 21, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6797. Adulteration and misbranding of olive oil. U. S. * * * v. 44 Gallons of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9275. I. S. Nos. 13653-13654-r. S. No. E-1099.)

On August 30, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 44 gallons of alleged olive oil at Newark, N. J., alleging that the article had been shipped on or about July 6, 1918, by N. P. Economou and Theodos, New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: "Full Gallon Frate Del Bosco Lucca Brand Toscana-Italia Extra Fine Olive Oil Guaranteed Absolutely Pure" and "Olio Puro D'Oliva Lucca Tipo Italy Net Contents Full Gallon Olio Puro D'Oliva Garantito Produzione Propria."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith, thereby reducing and lowering the strength and injuriously affecting the quality of the article purporting to be olive oil, and for the further reason that cottonseed oil had been substituted in whole or in part for olive oil.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," borne on the label attached to the containers, was false and misleading in that it represented that the article contained therein was pure olive oil, whereas, in truth and in fact, it was not pure olive oil, as said statement would lead the purchaser to believe, but was a product consisting wholly or in part of cottonseed oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding was alleged for the further reason that the statements, "Frate Del Bosco Toscana-Italia" and "Olio Puro D'Oliva Lucca Tipo Italy Garantito Produzione Propria," borne on the labels attached to the containers, were false and misleading in that they represented that the article was a foreign product, to wit, pure olive oil made in Italy, whereas, in truth and in fact, it was not made in Italy and was not a foreign product, but was a product consisting wholly or in part of cottonseed oil manufactured and packed in the United States. Misbranding was alleged for the further reason that the statements, "Full Gallon" and "Net Contents Full Gallon," borne on the labels attached to the containers, were false and misleading in that they represented that the net contents of each container was one full gallon of olive oil, whereas, in truth and in fact, the containers did not contain one full gallon of olive oil. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On December 5, 1918, Antonio Aquilino, Newark, N. J., claimant, having admitted the truth of the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment

of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

J. R. Riggs, *Acting Secretary of Agriculture.*

6798. Adulteration and misbranding of olive oil. U. S. * * * v. 1000 Cans of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9278. I. S. No. 2433-r. S. No. W-241.)

On August 29, 1918, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cans of alleged olive oil, remaining unsold in the original unbroken packages at Los Angeles, Cal., alleging that the article had been shipped on or about June 21, 1918, by John T. Delany & Co., New York, N. Y., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was billed and invoiced as olive oil.

Adulteration of the article was alleged in the libel for the reason that cottonseed [oil] had been mixed and packed with, and substituted wholly and in part for, olive oil, in each of the cans of alleged olive oil.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, the same being labeled "5 Gallons Net." when, in truth and in fact, it consisted largely of cottonseed oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count.

On October 17, 1918, the said John T. Delany & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant for relabeling, upon the payment of the costs of the proceedings and the execution of a bond in the sum of $8,000, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6799. Adulteration and misbranding of evaporated milk. U. S. * * * v. 250 Cases of So-called Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9279. I. S. Nos. 6125-6126-r. S. No. C-964.)

On August 29, 1918, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for seizure and condemnation of 250 cases of so-called evaporated milk, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on May 18, 1918, and May 28, 1918, and transported from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Our Best Brand Evaporated Milk. Aviston Condensed Milk Co. Aviston, Illinois."

Adulteration of the article was alleged in the libel for the reason that a substance insufficiently evaporated had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for evaporated milk.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser, the said product being labeled and branded "Evaporated Milk," whereas, in truth and in fact, it was not.

On October 4, 1918, the case having come on to be heard on the libel and the answer and claim of the Aviston Condensed Milk Co., a corporation, Aviston, Ill., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $700, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6800. Adulteration and misbranding of oat middlings. U. S. * * * v. 670 Bags of Oat Middlings. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9174. I. S. No. 2001-r. S. No. W-230.)

On July 29, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 670 bags of oat middlings, consigned on or about June 10, 1918, by the Bozeman Milling Co., Bozeman, Mont., remaining unsold in the original unbroken packages, at Kent, Wash., alleging that the article had been shipped and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "90 lbs. Oat Mdgs."

Adulteration of the article was alleged in the libel for the reason that a product consisting largely of oat hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for oat middlings, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oat middlings.

On August 5, 1918, the said Bozeman Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings, and the execution of a bond in the sum of $700, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the direction and supervision of a representative of this department.

J. R. Riggs, *Acting Secretary of Agriculture.*

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WASHINGTON: GOVERNMENT PRINTING OFFICE: 1920

United States Department of Agriculture

BUREAU OF CHEMISTRY

C. L. ALSBERG, Chief of Bureau

SERVICE AND REGULATORY ANNOUNCEMENTS
SUPPLEMENT

N. J. 6801–6850

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 10, 1920.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

6801. Adulteration of fava beans. U. S. * * * v. 343 Bags of Fava Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9175. I. S. No. 2203–r. S. No. W–235.)

On July 27, 1918, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 343 bags of fava beans, remaining unsold in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped on or about July 25, 1918, by F. Lagomarsino & Sons, Sacramento, Cal., and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On August 29, 1918, Musolino & Berger, Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $5000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6802. Adulteration of eggs. U. S. * * * v. 9 Cases * * * of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9177. I. S. No. 5654–r. S. No. C–934.)

On July 17, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases of eggs, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about July 10, 1918, by the Wist Cash Market, Webster, S. D., and transported from the State of South Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed substance.

On August 31, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6803. Adulteration and misbranding of oil of sweet birch. U. S. * * * v. 4 Cans * * * of Oil of Sweet Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9180. I. S. No. 6401-r. S. No. C-943.)

On August 1, 1918, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages, each containing approximately 54¼ pounds of oil of birch, consigned on July 13, 1918, by J. B. Johnson, Hickory, N. C., remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped and transported from the State of North Carolina into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Examination of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that synthetic methyl salicylate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure oil of birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of sweet birch, when, in truth and in fact, it was a product consisting in part of oil of birch and largely of synthetic methyl salicylate. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, as to weight, measure, or numerical count.

On October 8, 1918, the said J. B. Johnson, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6804. Adulteration of horse beans. U. S. * * * v. 957 Bags of Horse Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9181. I. S. No. 2204-r. S. No. W-236.)

On August 1, 1918, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 957 bags of horse beans, remaining unsold in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped, on or about July 27, 1918, by P. Caldarone, Sacramento, Cal., and was en route from the State of California into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On October 14, 1918, Caldarone & Grillo, Boston, Mass., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $7,000, in conformity with section 10 of the act, conditioned in part that the product should be shipped to Boston, Mass., there to be duly inspected by a representative of this department after the same had been sorted.

C. F. Marvin, *Acting Secretary of Agriculture.*

6805. Adulteration and misbranding of oil of birch. U. S. * * * v. Two 90-pound Cans and Five 55-pound Cans of Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9182. I. S. No. 13604-r. S. No. E-1077.)

On August 6, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of two 90-pound cans and five 55-pound cans of oil of birch, remaining unsold in the original unbroken packages, at New York, N. Y., alleging that the article had been shipped on or about July 18, 1918, by T. J. Ray, Watauga, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, and its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a certain substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch.

On November 2, 1918, the said Thomas J. Ray, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $910, in conformity with section 10 of the act, conditioned in part that the product should be relabeled as imitation oil of birch.

C. F. Marvin, *Acting Secretary of Agriculture.*

6806. Adulteration and misbranding of oil of birch. U. S. * * * v. 5 Cans * * * of Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9183. I. S. No. 13608-r. S. No. E-1082.)

On August 6, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of five cans, each containing 55 pounds of oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the

article had been shipped on or about July 25, 1918, by M. G. Teaster, Roan Mountain, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "M. G. Teaster Roan Mtn., Tenn. * * * Birch Oil."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, and its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a certain substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch, and for the further reason that the statement on the invoice, to wit, "Oil of Birch," was false and misleading, and deceived and misled the purchaser.

On November 2, 1918, the said M. G. Teaster, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $550, in conformity with section 10 of the act, conditioned in part that the product should be relabeled as imitation oil of birch.

C. F. Marvin, *Acting Secretary of Agriculture.*

6807. Misbranding of Hokara Blood Tablets. U. S. * * * v. J. D. McCann Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 9199. I. S. No. 2919-p.)

On April 22, 1919, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. D. McCann Co., a corporation, Hornell, N. Y., alleging shipment on or about August 17, 1917, by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Hokara Blood Tablets," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of red tablets coated with calcium carbonate and sugar and contained essentially podophyllum resin, potassium nitrate, and capsicum.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements borne on the labels of the packages falsely and fraudulently represented it as a treatment, remedy, and cure for skin diseases, cancer, scrofula, rheumatism, and neuralgia and effective to act on all glandular organs, and to remove uric acid and all impurities from the system, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing in the booklet accompanying the article falsely and fraudulently represented it as effective to purify the blood, and effective, when

used in connection with Hokara, as a relief for severe cases of skin disease, and effective, when used in connection with Hokara and Antiseptic Compound, as a treatment, remedy, and cure for acne, scrofula, rheumatic eczema, and erysipelas, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "Hokara Blood Tablets are a combination of vegetable remedies," borne in the booklet accompanying the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was composed exclusively of vegetable ingredients, whereas, in truth and in fact, it was not composed exclusively of vegetable ingredients, but was composed in part of mineral ingredients, to wit, potassium nitrate and calcium carbonate.

On April 25, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6808. Adulteration and misbranding of oil sweet birch. U. S. * * * v. 2 Cans of Oil Sweet Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9211. I. S. No. 13607–r. S. No. E–1081.)

On August 8, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of two cans of oil sweet birch at Linden, N. J., alleging that the article had been shipped on or about July 24, 1918, by J. B. Johnson, Hickory, N. C., and transported from the State of North Carolina into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in large part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, official at the time of the investigation of the article, and that the strength and purity of the article fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith, thereby reducing, lowering, and injuriously affecting the quality and strength of the article, and had been substituted in part for oil sweet birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, oil sweet birch. Misbranding of the article was alleged for the further reason that the statement on the invoice, "Oil Sweet Birch," was false and misleading in that it represented that the article invoiced thereon was oil sweet birch; and for the further reason that the statement on the invoice as aforesaid deceived and misled the purchaser into the belief that it was oil sweet birch, whereas, in fact and in truth, it was not, but was a product other than oil sweet birch, to wit, a product to which had been added, and with which had been mixed and packed, a substance, to wit, synthetic methyl salicylate.

On March 11, 1919, the said J. B. Johnson, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon

the payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department as imitation oil of birch.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6809. Adulteration and misbranding of olive oil. U. S. * * * v. Christ Paraskevopolus (National Importing Co.). Tried to the court and a jury. Verdict of guilty. Fine, $603. (F. & D. No. 9235. I. S. Nos. 3861–3862–p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christ Paraskevopolus, trading as the National Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on January 31, 1918, and February 1, 1918, from the State of New York into the State of Massachusetts, of quantities of an article, labeled in part, respectively, "Finest Quality Olive Oil ¼ Gallon Net," and "Olive Oil Speciality Lucca 1 Gallon Net," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to consist almost wholly of cottonseed oil and to be short volume.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article in the shipment on January 31, 1918, was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil, Extra Pure, Termini Imerese, Sicilia-Italia, ¼ Gallon Net, Guaranteed Absolutely Pure," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained not less than ¼ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and each of said cans did not contain ¼ gallon net of the article, but was a mixture composed in part of cottonseed oil, and was a domestic product, to wit, a product manufactured in the United States of America, and each of said cans contained less than ¼ gallon net of the article; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of pure olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, pure olive oil.

Misbranding of the article in the shipment on February 1, 1918, was alleged for the reason that the statements, to wit, "Olive Oil, Lucca, 1 Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained one gallon net of the article, and for the further reason that it

was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained one gallon net of the article, whereas, in truth and in fact, it was not olive oil and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and each of said cans did not contain one gallon net of the article, but was a mixture composed in part of cottonseed oil, and was a domestic product, to wit, a product manufactured in the United States of America, and each of said cans contained less than one gallon net of the article; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding of the article in each shipment was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 6, 1919, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Knox, *D. J.*):

Gentlemen of the jury, in this case the defendant, who bears a lengthy Greek name which I shall not attempt to pronounce, is charged with trading and doing business under the name of the National Importing Company; and he is charged here with having sent a quantity of oil, which in fact was cottonseed oil, flavored with olive oil, from the City of New York to Boston, Massachusetts, to a merchant from that city who has testified in court.

The statutes of the United States provide that:

"Whoever ships in interstate commerce adulterated food products or who ships food products which are misbranded or who ships food products in interstate commerce containing false and misleading labels, and upon which is not set forth accurately the weight and contents of the package" is guilty of an offense under the Food and Drugs Act.

This defendant is therefore charged by the Government in this case with having shipped adulterated food products; and that he has misbranded his food products; that the label does not contain the net weight of the food products contained therein.

It has been argued before you that the Government by regulations that have been established by the Department of Agriculture allows a variation of weight in the contents of food packages. That is, that such an allowance is to be made and is recognized by the Government where the variation was more or less trifling and where the variation of weight of contents is in excess of the weight marked on the package along with instances where it has some with less. That is, that there should be a reasonable variation that would be liable to occur in the ordinary routine of business.

The Government in this case takes the position that there is a shortage running from five to ten per cent in each of these shipments of oil that have been called to your attention, and that therefore the defendant comes within the purview of the statute because there is no variation in favor I might say of the public or of the consumer of this oil who purchased it upon the assumption that the contents, either quarts or gallons, is such, as the case may be.

The oil is admittedly 90 per cent, approximately, cottonseed oil and is flavored with approximately 10 per cent of olive oil. The cans in which the oil is shipped have been put in evidence before you, and it would appear from these cans, at least it would to me, to have the appearance—that is the cans—to make you believe—but that of course is for you to determine—that they contained olive oil.

The purpose of the Food and Drugs Act was to protect the public. In the very nature of affairs, when we go to a grocery store to buy food of different sorts and different supplies, we have got to depend more or less upon the representations that are made to us as to the contents of packages of this kind and of course we have to rely upon those more or less, and Congress has assumed that the public relies more or less upon the label upon the container, and consequently has passed this regulation. And its purpose is that the

dishonest person shall not deceive the public by their false labels, false notations of weight or by the sale of adulterated foodstuffs; and in the event that merchants undertake so to deceive, that he who does that subjects himself or themselves to liability under the law.

This law is rather drastic in its terms, insofar as it does not require a specific criminal intent upon the part of the defendant to be shown. All that it is necessary for the Government to do in a prosecution such as this is to show that the person knowingly did or committed the prohibited act. Therefore, did he, the defendant here, ship the goods in question knowing that they were adulterated and containing labels which were calculated to mislead and deceive the public? And did he put upon the cans false weights which did not vary in favor of the public or which were not higher to a greater or less extent than the amount marked on the packages?

If from all the evidence in the case you find that the defendant has made these shipments, and you may so find beyond a reasonable doubt, then your verdict should be guilty. If he did not so make the shipments, your verdict will be not guilty.

You have, however, the evidence in the case here upon the part of the defendant's own witnesses that when this particular order came in, or rather was called to their attention, the order was called to the attention of the defendant, and that therefore his attention was drawn to it and that thereafter this shipment went forward. The defendant seeks to justify what he has done by the assertion that there was pasted across each of these cans a narrow paper strip which contained the statement that the contents of the package was cottonseed oil flavored with olive oil. You have heard the testimony of the Government inspector that when he saw these packages in Boston, there was no such strip upon any of the cans examined by him. You have heard the testimony of the consignee of the packages in question who said that he examined each of the cans and found no such strips upon any of the cans.

Now even if you should find that the strip in the first instance was placed upon the can then you can consider whether or not it was done as a mere subterfuge with the expectation and purpose that it would be taken off and that the oil was placed in these cans for the purpose of deceiving and misleading the public in any event. If you feel that the labels are of such a character that such a situation may reasonably be developed and that that situation was in the mind of the shipper so as to ultimately deceive and mislead a person who should ultimately purchase these cans, then you may find the defendant guilty.

He, of course, has the presumption of innocence with him until the evidence adduced in the case has determined in your mind that he is guilty beyond a reasonable doubt. A reasonable doubt is not a capricious doubt, one born of reluctance on the part of a jury to perform an unpleasant task, but is a doubt based upon and growing out of some lack of the evidence which leaves you short of a moral certainty of the defendant's guilt. If you have an abiding conviction of the fact that the defendant did ship the goods in the manner and form as charged by the Government there should be no hesitancy upon your part in returning a verdict of guilty.

Take the case, gentlemen.

Mr. Cellar. I request your Honor to charge that if the word "compound" is on the tin that it is not necessary to state the proportion of the ingredients.

The Court. Not necessary to state the proportion of the ingredients as I understand it.

Mr. Cellar. I ask your Honor to charge that the defendant would not be responsible for anything that the Stellar Macaroni Company have done.

The Court. I instruct them—there you are back to the original proposition, that if it be true that the defendant placed the oil in the cans such as has appeared here, it is a question for them to say what his intent was. You may in that connection consider that letter which went into evidence before you, gentlemen.

Mr. Cellar. I ask your Honor to charge that if the jury find that the strips were placed on the can they may further find that those strips may have been, in their mind, a sufficient notice to the consuming public that there was no misbranding.

The Court. You may consider it, gentlemen. But you may also consider in that connection the narrowness of the strips as they were displayed upon the can.

Mr. Cellar. I ask your Honor to charge that the statutes do not prescribe any specified form or manner of misbranding.

The Court. I believe that is true.

The jury thereupon retired, and after due deliberation returned into court with a verdict of guilty, and the court thereupon imposed a fine of $603.

C. F. Marvin, *Acting Secretary of Agriculture.*

6810. Misbranding of Cal-Sino and Antiseptine. U. S. * * * v. Cal-Sino Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 9236. I. S. Nos. 3378-p, 3380-p.)

On October 16, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cal-Sino Co., a corporation, Baltimore, Md., alleging shipment on or about March 23, 1918, and March 12, 1918, by said company, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of Virginia, of articles labeled in part "Antiseptine" and "Cal-Sino," which were misbranded.

Analysis of a sample of "Antiseptine" by the Bureau of Chemistry of this department showed it to be a powder containing large amounts of salts of zinc and lead and a small amount of a salt of copper. Sulphates and acetates were present. The mixture appeared to be composed of about 48 per cent anhydrous zinc sulphate with about an equal amount of lead acetate, together with a small amount of copper acetate.

An analysis of "Cal-Sino" showed it to be a hydro-acetic acid solution containing about 15 grams of solid material dissolved in 100 cc. Solid material is principally ammonium chlorid with trace of camphor and plant extract, probably derived from blood root.

It was alleged in substance in the information that the "Antiseptine" was misbranded for the reason that certain statements appearing on the labels of the cartons and envelopes falsely and fraudulently represented it as a treatment, specific, and cure for fistulae, and effective as a specific for fistulae, when, in truth and in fact, it was not.

It was alleged in substance that the "Cal-Sino" was misbranded for the reason that certain statements appearing on the labels of the cartons and bottles falsely and fraudulently represented it as a treatment, remedy, and cure for distemper, strangles, colts' ailment, shipping cold, heaves, and broken wind, when, in truth and in fact, it was not.

On October 16, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6811. Adulteration and misbranding of olive oil. U. S. * * * v. 192 Gallons and 288 Quarts of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9280. I. S. Nos. 16028-r, 18426-r. S. No. E-1101.)

On August 31, 1918, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 192 gallons and 288 quarts of olive oil, consigned by M. Campolieti, New York, N. Y., remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about July 3, 1918, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs

Act, as amended. The article was labeled in part, "First Pressing Cream Olive Oil Vergine * * * made from the finest selected olives grown on the Italian Riviera."

Adulteration of the article was alleged in the libel for the reason that another substance, to wit, cottonseed oil, had been mixed and packed therewith and substituted wholly or in part for olive oil.

Misbranding of the article was alleged for the reason that it was labeled "Olive Oil," whereas the product consisted almost entirely of cottonseed oil mixed with a small percentage of olive oil, and that the statement that the product was olive oil was false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, that the same consisted almost wholly of cottonseed oil, and was offered for sale under the distinctive name of olive oil; and for the further reason that it purported to be a foreign product, to wit, a product made from the finest selected olives grown on the Italian Riviera, when in fact it was a product of domestic manufacture. Misbranding of the article was alleged in substance for the further reason that it was labeled "One Gallon Full Measure," and "One Quart Full Measure," whereas the cans contained smaller amounts, and the contents of said packages were not truly and correctly stated on the outside thereof in terms of weight, measure, or numerical count.

On January 15, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled as cottonseed oil and sold at public auction by the United States marshal, and that the purchaser thereof should give a bond in the sum of $200, conditioned that the property would not be disposed of in violation of any State or Federal law.

C. F. Marvin, *Acting Secretary of Agriculture.*

6812. Adulteration of eggs. U. S. * * * v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9284. I. S. No. 12514–r. S. No. E–1098.)

On August 14, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 10 cases of eggs, consigned from Paducah, Ky., on or about August 3, 1918, and remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Boone & Co., Paducah, Ky., and transported from the State of Kentucky into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 13, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6813. Misbranding of Texas Wonder. U. S. * * * v. 6 Dozen Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9285. I. S. No. 16057–r. S. No. E–1103.)

On September 3, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure

and condemnation of 6 dozen bottles of Texas Wonder, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about August 7, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "The Texas Wonder. Contains 43% alcohol before diluted, 5% after diluted. For Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism, Dissolves Gravel. Regulates Bladder Trouble in Children. One small bottle is two months' treatment. E. W. Hall, sole manufacturer, St. Louis, Mo."

Examination of samples of the article by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

It was alleged in substance in the libel that the article was misbranded for the reason that the aforesaid statements regarding the therapeutic, curative, and preventive effects thereof, appearing on the label, the bottle, the carton, pamphlet, and booklet accompanying the article, falsely and fraudulently represented it as a remedy, cure, and preventive of kidney and bladder troubles, diabetes, weak and lame backs, rheumatism, dissolves gravel, and regulates bladder trouble in children, whereas, in truth and in fact, it contained no ingredient nor combination of ingredients capable of producing the therapeutic, curative, and preventive effects claimed for it.

On October 21, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6814. Adulteration of Worcestershire sauce. U. S. * * * v. 585 Cases * * * 209 Cases * * * and 27 Cases * * * Worcestershire Sauce. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9286. I. S. Nos. 2435–2438–r, inc. S. No. W–243.)

On September 4, 1918, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 585 cases, each containing 4 dozen bottles; 209 cases, each containing 3 dozen bottles; and 27 cases, each containing 2 dozen bottles of Worcestershire sauce, consigned on or about June 26, 1918, by M. J. & H. J. Meyer Co., St. John's Park, N. Y. remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been shipped and transported from the State of New York into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part "Pride of England," in part "Cottage," in part "Majestic," in part "Oxford," and in each case "Imported Worcestershire Sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On October 3, 1918, the said M. J. & H. J. Meyer Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6815. Adulteration and misbranding of olive oil. U. S. * * * v. 16 Cases * * * of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9287. I. S. No. 11351–r. S. No. C–968.)

On September 4, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases, each containing 40 quarter-gallon cans of olive oil, at East Liverpool, Ohio, alleging that the article had been shipped on or about July 16, 1918, by M. Campolieti, New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Olive Oil, Extra Pure * * * Tipo Termini Imerese Italy * * * ¼ Gallon Net."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article, thereby lowering its quality, strength, and value.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading, and deceived and misled the purchaser in that it indicated that the cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted in part for the article; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the article, labeled as aforesaid, purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States. Misbranding of the article was alleged for the further reason that the labels indicated that each can contained ¼ gallon net, when, in truth and in fact, there was a shortage from the declared contents of 16 per cent in each can; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On October 5, 1918, J. De Rose, East Liverpool, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6816. Adulteration and misbranding of olive oil compounded with cottonseed oil. U. S. * * * v. 540 Gallons of Alleged Olive Oil Compounded with Cottonseed Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9288. I. S. No. 13721–r. S. No. E–1104.)

On September 5, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 540 gallons of alleged olive oil compounded with cottonseed oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about June 12, July 12, and July 25, 1918, by Angiolillo Bros., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and

misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olio Sopraffino Qualita Superiore Olio Finissimo Cotton Seed and Olive Oil a Compound Tripolitania" (pictures of coat of arms, medals, and crowns).

Adulteration of the article was alleged in the libel for the reason that corn oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for the product purporting to be olive oil compounded with cottonseed oil.

Misbranding of the article was alleged for the reason that the labels on the cans bore statements regarding the article which were false and misleading, that is to say said labels bore certain designs and statements intended to be of such a character as to induce the purchaser to believe that the product was Italian olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be of foreign origin, when, in truth and in fact, it was of domestic origin. Misbranding of the article was alleged for the further reason that it was food in package form, and the contents were not stated plainly and correctly on the outside of the package in terms of weight or measure, there being a shortage in each purported gallon, half gallon, and quart of approximately 4.87 per cent.

On October 14, 1918, the said Angiolillo Bros., New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,250, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6817. Adulteration and misbranding of olive oil. U. S. * * * v. 25 Cases of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9293. I. S. No. 13331–r. S. No. E–1107.)

On September 7, 1918, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of alleged olive oil, remaining unsold in the original unbroken packages at Monongahela, Pa., alleging that the article had been shipped on or about July 30, 1918, by Lyriotakis Brothers, New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "1 Gallon Net Qualita Superiore Olio Tripolitania Puro Garantito Sotto Qualsiasi Analisi Chimica. Guaranteed under the Pure Food and Drugs Act June 30, 1906. Garantito Sotto La Legge Del 30 Giugno 1906" (design of maps of Italy and Tripoli and picture of queen with flag).

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed wholly or in part for olive oil.

Misbranding of the article was alleged for the reason that the above-quoted statements, designs, and devices conveyed the impression that the product was alien olive oil, when it was not; and for the further reason that the label deceived and misled the purchaser and the product purported to be a foreign product, when it was not; and for the further reason that the quantity of the contents [of the cans] was not declared.

On September 25, 1918, the said Lyriotakis Brothers, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6818. Adulteration and misbranding of evaporated milk. U. S. * * * v. 50 Cases * * * of Alleged Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9294. I. S. Nos. 6125–6126–r. S. No. C–964.)

On September 10, 1918, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of alleged evaporated milk, remaining unsold in the original unbroken packages at Muskogee, Okla., alleging that the article had been shipped on August 20, 1918, by the Aviston Flour Co., New Orleans, La., and transported from the State of Louisiana into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Our Best Brand Evaporated Milk * * * Aviston Condensed Milk Co., Aviston, Illinois, * * *."

Adulteration of the article was alleged in substance in the libel for the reason that partially evaporated milk had been substituted for evaporated milk.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and that the statement, to wit, "Evaporated Milk," was false and misleading, and deceived and misled the purchaser into the belief that it was evaporated milk and not a substitution for the same.

On November 2, 1918, the Aviston Condensed Milk Co., a corporation, Aviston, Ill., claimant, having filed a claim for the release of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6819. Adulteration and misbranding of olive oil. U. S. * * * v. Anthony J. Musco. Plea of guilty. Fine, $160. (F. & D. No. 9297. I. S. Nos. 1352–1353–p, 3868–p.)

On December 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony J. Musco, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on November 28, 1917 (two shipments), from the State of New York into the State of Massachusetts, and on July 7, 1917, into the State of Rhode Island, of quantities of alleged olive oil, which was adulterated and misbranded. One of the Massachusetts shipments was labeled in part, "Finest Quality Olive Oil Extra Pure." The other Massachusetts shipment and the Rhode Island shipment were labeled in part, "Olio Puro D'Oliva * * * Lucca, Italy * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to consist almost entirely of cottonseed oil and to be short volume.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article in one of the shipments on November 28, 1917, was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure," of Termini Imerese Italy," "Sicilia—Italia," "1 Gallon Net," "Guaranteed Absolutely Pure," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced at Sicily, in the kingdom of Italy, and that it contained one gallon net of the article, whereas, in truth and in fact, it was not pure olive oil and was not a foreign product, to wit, an olive oil produced at Sicily, in the kingdom of Italy, and did not contain one gallon net of the article, but was a mixture composed in part of cottonseed oil and was a domestic product, to wit, a product manufactured in the United States of America, and contained less than one gallon net of the article.

Misbranding of the article in the other shipment on November 28, 1917, and in the shipment on July 7, 1917, was alleged for the reason that the statements, to wit, "Olio Puro D'Oliva * * * Lucca Italy," "Olio Puro D'Oliva Garantito Produzione Propria," and "Net Contents Full Gallon," on the first shipment, and "Net Contents Quarter Gallon," on the second shipment, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was pure olive oil, that it was a foreign product, to wit, olive oil produced at Lucca, in the kingdom of Italy, and that the said cans contained one full gallon net or one full quarter gallon net of the article, as the case may be, whereas, in truth and in fact, it was not pure olive oil and was not a foreign product, to wit, an olive oil produced at Lucca, in the kingdom of Italy, and said cans did not contain one full gallon net or one full quarter gallon net of the article, as the case may be, but was a mixture composed in part of cottonseed oil and was a domestic product, to wit, a product manufactured in the United States of America and contained less than one full gallon net of the article or one full quarter gallon net of the article, as the case may be.

On February 25, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $160.

C. F. Marvin, *Acting Secretary of Agriculture.*

6820. Adulteration and misbranding of olive oil. U. S. * * * v. 120 Gallons and 96 Half Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9324. I. S. Nos. 18429–18430–r. S. No. E–1116.)

On November 8, 1918, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 120 gallons and 96 half gallons of olive oil, consigned by M. Campolieti, New York, N. Y., remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about June 15, 1918, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "First Pressing Cream Olive Oil Vergine * * * made from the finest selected olives grown on the Italian Riviera."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith and substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that it was labeled "Olive Oil," whereas the product contained and consisted almost entirely of cottonseed oil mixed with a small percentage of olive oil, and that the statement that the product was olive oil was false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, that the same consisted almost wholly of cottonseed oil, and was offered for sale under the distinctive name of olive oil; and for the further reason that it purported to be a foreign product, to wit, a product made from the finest selected olives grown on the Italian Riviera, when in fact it was a product of domestic manufacture. Misbranding of the article was alleged for the further reason that it was labeled "One Gallon Full Measure," "One Half Gallon Full Measure," whereas the cans contained smaller amounts, and the contents of said packages were not truly and correctly stated on the outside thereof in terms of weight, measure, or numerical count.

On January 15, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled as cottonseed oil and sold at public auction by the United States marshal, conditioned that the purchaser thereof should give a bond in the sum of $200, conditioned that the property would not be disposed of in violation of any State or Federal law.

C. F. Marvin, *Acting Secretary of Agriculture.*

6821. Adulteration of eggs. U. S. * * * v. 5 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9325. I. S. No. 2081–r. S. No. W–242.)

On or about August 19, 1918, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of eggs, consigned by J. J. Falkenstein, Pfeifer, Kansas, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 13, 1918, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On October 21, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6822. Adulteration and misbranding of saccharin. U. S. * * * v. One Can * * * of Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9326. I. S. No. 6262–r. S. No. C–975.)

On September 24, 1918, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one can, containing five pounds of saccharin, at Galveston, Texas, alleging that the article had been shipped on or about August 15, 1918,

by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, which differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopoeia, official at the time of investigation, and further that its strength and purity fell below the professed strength and quality under which it was sold.

Misbranding of the article was alleged for the reason that the label bore a statement regarding the article and the ingredients and substances thereof which was false and misleading in that the label upon the cans bore the statement "soluble saccharine," and said article was offered for sale under the name of saccharin, when, in truth and in fact, it was an imitation of saccharin, being a mixture of saccharin and sucrose.

On March 25, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6823. Adulteration and misbranding of olive oil. U. S. * * * v. 114 Quarts of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9327. I. S. No. 13661–r. S. No. E–1117.)

On September 12, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 114 quarts of olive oil, remaining unsold in the original unbroken packages at Thompsonville, Conn., alleging that the article had been shipped on or about May 17, 1918, by M. Campolieti, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia ¼ Gallon Net."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted almost wholly for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements borne on the labels of the cans were false and misleading, that is to say, the statement, to wit, "Olive Oil," was intended to be of such a character as to induce the purchaser to believe that it was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was not, but was a product of domestic manufacture, packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On December 5, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold at private sale by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6824. Adulteration and misbranding of olive oil. U. S. * * * v. 46 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9328. I. S. No. 13657-r. S. No. E-1118.)

On September 14, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 46 gallons of olive oil, remaining unsold in the original unbroken packages at Middletown, Conn., alleging that the article had been shipped on or about June 21, 1918, by N. H. Economou and Theodoris [N. P. Economou & Theodos], New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olio Puro D'Oliva Lucca Tipo Italy."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted almost wholly for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels bore certain statements regarding the article which were false and misleading, that is to say, the statement, to wit, "Olio Puro D'Oliva," was intended to be of such a character as to induce the purchaser to believe that the article was pure olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product when, in truth and in fact, it was a product of domestic manufacture packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not marked on the outside of the package in terms of weight, measure, or numerical count.

On December 5, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6825. Adulteration and misbranding of olive oil. U. S. * * * v. 348 Gallons of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9329. I. S. No. 13725-r. S. No. E-1119.)

On September 14, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 348 gallons of olive oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about June 26, 1918, by Crisafulli Brothers, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil Lamigliore Brand Insuperable Extra Fine Olive Oil," and in small type before "Extra Fine Olive Oil" the words, "Corn Salad Oil Compound With," and on some cans, "Cotton Salad Oil Compound With."

Adulteration of the article was alleged in the libel for the reason that corn oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted almost wholly for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels on the cans bore statements regarding the article which were false and misleading, and were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On October 15, 1918, the said Crisafulli Brothers, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $850, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6826. Adulteration of eggs. U. S. * * * v. 8 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9330. I. S. No. 5901–r. S. No. C–970.)

On August 27, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of eggs, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about August 21, 1918, by Abraham Amber, trading as A. Amber Produce Co., Kansas City, Kans., and transported from the State of Kansas into the State of Missouri, charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of decomposed eggs.

On September 28, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6827. Adulteration and misbranding of double distilled water. U. S. * * * v. 16 Bottles * * * of Double Distilled Water. Default decree of condemnation, forfeiture, and destruction. Empty containers ordered sold. (F. & D. No. 9331. I. S. No. 5902–r. S. No. C–977.)

On September 17, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 bottles of double distilled water, remaining unsold in the original unbroken packages at Leavenworth, Kans., alleging that the article had been shipped on or about August 21, 1918, by the Eads Water Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Double Distilled Water * * * Eads Water Co. Kansas City, U. S. A."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

Misbranding of the article was alleged for the reason that the brand or label on the product was misleading and deceptive, and calculated to induce the purchaser to believe that the product was pure distilled water, whereas, in truth and in fact, it was not.

On November 26, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the empty containers be sold.

C. F. Marvin, *Acting Secretary of Agriculture.*

6828. Adulteration of herring. U. S. * * * v. 94 Pails * * * Hately Brand Norway Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9332. I. S. No. 17603–r. S. No. E–1121.)

On September 18, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 94 pails, each containing 6 pounds of Hately Brand Norway Herring, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about June 1, 1918, by Hately Brothers, Chicago, Ill., and transported from the State of Illinois into the State of Georgia, and alleging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 22, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6829. Adulteration and misbranding of oil of sassafras. U. S. * * * v. 35 Pounds of Oil of Sassafras. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9333. I. S. No. 13615–r. S. No. E–1120.)

On September 19, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 pounds of oil of sassafras, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 7, 1918, by M. G. Teaster, Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in part of waste camphor oil.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, and its strength and purity fell below the professed standard and quality under which it was sold; and for the further reason that a substance, to wit, waste camphor oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of sassafras, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of sassafras; and for the further reason that the statement on the

invoice, to wit, "Oil of Sassafras," was false and misleading and deceived and misled the purchaser.

On June 14, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be labeled and sold as imitation oil of sassafras by the United States marshal.

remaining unsold in the original unbroken packages at New York, N. Y.,

6830. Adulteration and misbranding of oil of birch. U. S. * * * v. 4 Cans of Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9334. I. S. No. 13612–r. S. No. E–1112.)

On September 18, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cans, each can containing 55 pounds of oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about August 29, 1918, by M. G. Teaster, Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, and its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a certain substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch; and for the further reason that the statement on the invoice, to wit, "Oil of Birch," was false and misleading, and deceived and misled the purchaser.

On November 2, 1918, the said M. G. Teaster, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $440, in conformity with section 10 of the act, conditioned in part that the product should be relabeled as imitation oil of birch.

C. F. Marvin, *Acting Secretary of Agriculture.*

6831. Adulteration of tomato pulp. U. S. * * * v. 700 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9335. I. S. No. 6258–r. S. No. C–971.)

On September 20, 1918, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 700 cases of tomato pulp, at Houston, Texas, alleging that the article had been shipped on or about September 27, 1917, by Gibbs Preserving

Co., Baltimore, Md., and transported from the State of Maryland into the State of Texas, charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it was decomposed and putrid.

On November 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6832. Adulteration of eggs. U. S. * * * v. 94 Cases of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed. (F. & D. No. 9336. I. S. No. 5807-r. S. No. C-972.)

On August 13, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 94 cases, each containing 30 dozen eggs, at Chicago, Ill., alleging that the article had been shipped on or about August 6, 1918, by W. D. Law, Springfield, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted wholly of a decomposed animal substance.

On August 15, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be separated under the supervision of a representative of this department, the portion found fit for human food to be sold, and the unfit portion to be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6833. Misbranding of Pratts Hog Cholera Specific. U. S. * * * v. 19 Two-pound Packages of Pratts Hog Cholera Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9337. I. S. No. 4873-p. S. No. E-1122.)

On September 24, 1918, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 two-pound packages of Pratts Hog Cholera Specific, remaining unsold in the original unbroken packages at Tallahassee, Fla., alleging that the article had been shipped on or about March 16, 1918, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Florida, charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: "Price 50 cents. Pratts Hog Cholera Specific. Made by Pratt Food Co. Toronto, Canada. Philadelphia, Pa. 2 lbs. net. Blood purifier. Disease eradicator * * * For hog cholera and other hog diseases * * * purifies the blood * * * will not only prevent but cure hog cholera. * * * Pratts Hog Cholera Specific is a positive remedy for Thumps, Diphtheria, Scours, Catarrh * * * Rheumatism, Apoplexy * * * It is especially prepared to prevent and cure diseases peculiar to hogs."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the labels of the packages were false, untrue, and misleading in that said packages contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed therefor in such statements so labeled on the outside of the packages, but the article contained therein was composed essentially of sodium chlorid, ferrous sulphate,

free sulphur, gentian, fenugreek and charcoal, none of which said substances nor the combination of any or all of them was capable of producing the curative and therapeutic effects claimed in the statements borne on the labels of the packages.

On May 12, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6834. Adulteration of eggs. U. S. * * * v. 7 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9338. I. S. No. 5661-r. S. No. C-969.)

On August 24, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of eggs, each containing 30 dozen eggs, at Duluth, Minn., alleging that the article had been shipped on or about August 19, 1918, by the Williams Produce Co., Fargo, N. D., and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed substance.

On April 12, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6835. Adulteration and misbranding of soluble saccharin. U. S. * * * v. 1 Can of Soluble Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9339. I. S. No. 2439-r. S. No. W-246.)

On September 23, 1918, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 5-pound can of soluble saccharin, remaining unsold in the original unbroken package at Salt Lake City, Utah, alleging that the article had been shipped on or about August 17, 1918, by the W. B. Wood Manufacturing Co., St. Louis, Mo., and transported from the State of Missouri into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Soluble Saccharine."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, to wit, saccharin, and that the contents of the can differed from the standard of strength, quality, and purity determined by the tests for saccharin laid down in the said Pharmacopoeia, said can or container containing a product consisting of saccharin and sugar in equal parts, and that there was not plainly stated on the can or container the standard of strength, quality, and purity of the contents thereof; and for the further reason that the strength and purity of the contents of the can fell below the professed standard and quality under which it was sold, in that it was sold as saccharin, whereas, in truth and in fact, it consisted of saccharin and sugar in equal parts.

Misbranding of the article was alleged for the reason that the statement borne on the label, regarding the contents, was false and misleading, the true nature of the contents of said can or container being as hereinbefore alleged; misbranding was alleged in substance for the further reason that the statement aforesaid,

borne on the label aforesaid, regarding the article and the ingredients and substances contained therein, to wit, "Soluble Saccharine Soluble in Cold Water Quality Guaranteed," was false and misleading, the true nature of the contents of the can or container being as hereinbefore alleged, and said article was an imitation of, and was offered for sale under the name of, another article, to wit, saccharin, which said article is well known in trade and commerce and the science of food chemistry, and signifies a white crystalline compound derived from toluene, a constituent of coal tar.

On June 28, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6836. Misbranding of Hall's Canker and Diphtheria Remedy. U. S. * * * v. 5 Dozen Bottles of Hall's Canker and Diphtheria Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9340. I. S. No. 2479-r. S. No. W-245.)

On September 21, 1918, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen bottles of Hall's Canker and Diphtheria Remedy, remaining unsold in the original unbroken packages at Portland, Ore., alleging that the article had been shipped on or about August 19, 1918, by Selena D. Hall, Salt Lake City, Utah, and transported from the State of Utah into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended.

The article was labeled in part: "Hall's Diphtheria Remedy, an infallible remedy for Diphtheria. When Diarrhoea is caused by Canker, as in a majority of cases it is, Hall's Canker Remedy will not fail to give Relief. Hall's Canker Remedy Prevents Diphtheria. Diphtheria usually commences with sneezing, stiff neck, unusual inclination to sleep, redness of the face, eyes moist and red or with sore throat, with uneasy stinging sensation therein, attended by bad breath and vomitings. Patches of a dirty wash-leather color may be seen inside the throat, and, as experience has proven, the disease is then liable, if not arrested, to terminate fatally in a short time. Now, if, when you see these symptoms you will use Hall's Diphtheria Remedy according to directions, it will relieve you. Putrid sore throat yields readily to this remedy. Dr. Sam'l Thompson announced to the world that in smallpox, measles and canker-rash he found 'a mirror in which we may see the nature of every other disease.' Thompson says: 'I had the smallpox in 1798 and examined its symptoms with all the skill I was capable of, to ascertain the nature of the disease, and found that it was the highest stage of canker and putrefaction that the human system is capable of receiving; measles the next and canker-rash the third, canker being the first effect of all disease; that other disorders partake more or less of the same, which I am satisfied is a key to the whole; and by knowing how to remedy this we may learn how to remedy all other cases, as the same means that will put out a large fire will extinguish a candle.' Make no mistake. Be sure to get Hall's Medicines for Canker and Diphtheria. * * * We cannot say too much in behalf of Hall's Canker and Diphtheria Medicine. Having witnessed its truly marvelous effects in many dangerous cases in our own family, we would not be without it. It has an excellent name. We had two children down with diphtheria at the same time. It was stopped in one night; the sores or scales were removed next morning with a spoon handle, and two days after my children were as well as ever. If any question this testimony they can consult us on the matter. February 5, 1881. * * *."

It was alleged in substance in the libel that the article was misbranded for the reason that the statements, design, and device borne on the labeling of the bottles, regarding the curative and therapeutic effect of said drugs, ingredients, and substances contained therein, were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and remedial therapeutic effects claimed for it upon said label and wrapper.

On December 4, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6837. Adulteration and misbranding of pepper. U. S. * * * v. Dwight Edwards Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 9341. I. S. No. 16130–p.)

On November 25, 1918, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dwight Edwards Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 30, 1917, from the State of Oregon into the State of Washington, of a quantity of pepper which was adulterated and misbranded. The article was labeled "Pepper Dwight Edwards Company, Portland, Ore.," and bore a sticker reading "Adulterated with Pyrmia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results: Microscopical examination and Jumeau's reagent showed the presence of at least 25 per cent (probably more) of ground olive stones, together with pepper tissues.

Adulteration of the article was alleged in the information for the reason that a substance other than pepper, to wit, ground olive pits, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for pepper, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the label, to wit, "Pepper Adulterated with Pyrmia," was false and misleading, in that it represented to purchasers thereof that the article was a pepper adulterated with some substance known as pyrmia, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a mixture of pepper and a substance known as pyrmia, whereas, in truth and in fact, it consisted of a mixture of pepper and ground olive pits. Misbranding of the article was alleged for the further reason that it was food in package form, and the packages failed to bear a statement on the label thereof of the quantity of their contents in terms of weight, measure, or numerical count.

On December 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6838. Adulteration and misbranding of olive oil. U. S. * * * v. John D. Stephanides and Vassilia Touris (S. A. Touris). Plea of guilty. Fine, $200. (F. & D. No. 9342. I. S. No. 3044–p.)

On December 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

John D. Stephanides and Vassilia Touris, executors of the estate of Sotirios A. Touris, trading under the name of S. A. Touris, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on May 29, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Purissimo Olio Di Bitonto-Bari," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Iodin number_____110
Halphen test for cottonseed oil: Strongly positive.
The product consists of cottonseed oil flavored with olive oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Purissimo Olio Di Bitonto-Bari," and "We guarantee this Olive Oil to be absolutely Pure under Chemical Analysis, and of Finest Quality," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, and that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, a product produced and manufactured in the United States of America; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured in the kingdom of Italy; and for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil.

On January 8, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $200.

C. F. Marvin, *Acting Secretary of Agriculture.*

6839. Adulteration and misbranding of olive oil. U. S. * * * v. Gaetano Garra and Sebastian Trusso (Garra & Trusso). Pleas of guilty. Fine, $100. (F. & D. No. 9343. I. S. Nos. 1230–p, 1361–1362–p, 1365–p, 1368–p, 1371–1373–p, 2009–p, 2681–p, 3870–p, 4028–p, 4030–p, 4067–p, 6578–6579–p.)

On July 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gaetano Garra and Sebastian Trusso, copartners, trading as Garra & Trusso, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on May 8, 1917, November 10, 1917, November 12, 1917, January 18, 1918, January 27, 1918, and January 28, 1918, from the State of New York into the State of Connecticut, and on November 16, 1917, January 8, 1918, January 26, 1918, and February 11, 1918, from the State of New York

into the State of Rhode Island, and on March 8, 1918, and April 12, 1918, from the State of New York into the State of Maryland, of quantities of olive oil which was adulterated and misbranded.

The articles were labeled in part, "Pure Extra Fine Olive Oil, Imported from Lucca, Tuscany, Italy, * * * for Medicinal and Table Uses," with an equivalent statement in Italian, and "Finest Quality Olive Oil Extra Pure Termini Imerese Italy Sicilia-Italia." One of the shipments was unlabeled but was invoiced as olive oil.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to consist of cottonseed oil, to be short measure, and, in case of that labeled for medicinal and table uses, not to comply with the United States Pharmacopoeia.

Adulteration of the article in certain of the shipments was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Adulteration of the article labeled for medicinal and table uses, in certain other of the shipments, was alleged for the reason aforesaid and in substance for the further reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, official at the time of investigation of the article, in that said Pharmacopoeia provides that olive oil is a fixed oil obtained from Olea Europœa, whereas said article was composed in large part of oil obtained from cotton seed and the standard of the strength, quality, and purity of the article was not stated upon the container thereof.

Misbranding of the article in certain of the shipments was alleged in substance for the reason that the different statements, to wit, "Pure Extra Fine Olive Oil," "Imported from Lucca-Tuscany-Italy," "Italian Product Extra Sublime Olive Oil," "We Guarantee this Olive Oil to be Absolutely Pure," "Prodotto Italiano Olio Extra Sublime di Oliva Garantito Puro," "Olio di Oliva Extra Fino," "Importato da Lucca-Toscana-Italia," and "One Full Gallon," or "Full Half Gallon," or "Full Quart," or "One Quart," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, and that each of said cans contained one full gallon or full half gallon or full quart or one quart of the article, whereas, in truth and in fact, it was not olive oil but was a mixture composed in part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Lucca, in the province of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one full gallon or full half gallon or one full quart or one quart of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced, in whole or in part, in the United States of America and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that by the statements on the label it purported to be a foreign product, when not so. Misbranding of the article was alleged for

the further reason that it was food in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the article in certain other shipments was alleged in substance for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure [of] Termini Imerese [Italy] Sicilia-Italia Guaranteed Absolutely Pure," and "One Gallon Net," or "½ Gallon Net," or "¼ Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or ½ gallon, or ¼ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or ½ gallon, or ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one gallon, or ½ gallon, or ¼ gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia Guaranteed Absolutely Pure," borne on the cans, purported that the article was a foreign product, whereas, in truth and in fact, it was not, but was a domestic product. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the article in one of the shipments was alleged for the reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

On August 27, 1919, the defendants entered pleas of guilty to the information and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

6840. Adulteration and misbranding of Temperine and Cream Ale. U. S. * * * v. Herman Friedman and Joe Laevison (A. M. Laevison & Co.). Plea of guilty. Fine, $500 and costs. (F. & D. No. 8493. I. S. Nos. 12226-m, 12253-12254-m, 11979-11980-m, 20107-m.)

On April 10, 1918, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Friedman and Joe Laevison, trading as A. M. Laevison & Co., Paducah, Ky., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 9, 1917, January 10, 1917, January 26, 1917, and January 31, 1917, from the State of Kentucky into the State of Illinois, of quantities of an article, labeled in part "Temperine The Great Temper-

ance Drink," and on January 5, 1917, and January 24, 1917, from the State of Kentucky into the States of Mississippi and Tennessee, of quantities of an article, labeled in part "Cream Ale," which were adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

The "Temperine" contained from 3.48 per cent to 4.90 per cent of alcohol by volume and the bottles contained less than 12 fluid ounces as labeled.

THE CREAM ALE.

	Shipment of Jan. 5, 1917.	*Shipment of Jan. 24, 1917.*
Alcohol (per cent by volume)	4.22	3.90
Extract (grams per 100 cc.)	4.39	5.62
Reducing sugars as maltose (grams per 100 cc.)	1.70	2.12
Protein (N x 6.25)	0.388	0.344
Ash (grams per 100 cc.)	0.14	0.13
Total P_2O_5 (milligrams per 100 cc.)	51.0	43.0
Acidity as lactic (grams per 100 cc.)	0.11	0.11
Degree of fermentation	60.4	48.4

The above analyses show the samples to be light bodied beer.

Adulteration of the "Temperine" in each shipment was alleged in the information for the reason that a product containing sufficient alcohol to render it intoxicating had been substituted for a non-intoxicating beverage containing less than one-half of one per cent of alcohol, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "The Great Temperance Drink Contains Less Than ½ of 1% of Alcohol." * * * "Temperine, Non-intoxicating, Contents 12 Fluid Ozs.," and "A. M. Laevison & Co., Paducah, Ky.," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a non-intoxicating drink which contained less than ½ of 1 per cent of alcohol, and that said bottles each contained 12 fluid ounces of the article, and that said article was manufactured by A. M. Laevison & Co., Paducah, Ky., whereas, in truth and in fact, it was not a non-intoxicating drink which contained less than ½ of 1 per cent of alcohol, and said bottles each did not contain 12 fluid ounces of the article, and said article was not manufactured by A. M. Laevison & Co., Paducah, Ky., but was an intoxicating drink which contained more than ½ of 1 per cent of alcohol, and said bottles each contained less than 12 fluid ounces of the article, and said article was manufactured by the Evansville Brewing Association, Evansville, Ind. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the bottle.

Adulteration of the "Cream Ale" in each shipment was alleged for the reason that a substance, to wit, beer, had been substituted in whole or in part for cream ale, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Cream Ale" and "A. M. Laevison & Co., Paducah, Ky.," borne on the labels attached to the bottles, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was cream ale, and that the said article was manufactured by A. M. Laevison & Co., Paducah, Ky., whereas, in truth and in fact, it was not cream ale and was not manufactured by A. M. Laevison & Co.,

Paducah, Ky., but was beer and was manufactured by the Evansville Brewing Association, Evansville, Ind.

On November 18, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $500 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6841. Misbranding of Cassidy's 4X and P. G. S. U. S. * * * v. Schuh Drug Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 8661. I. S. Nos. 12602-m, 12233-m.)

On April 16, 1918, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schuh Drug Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 26, 1916, and April 27, 1917, from the State of Illinois into the States of Tennessee and Missouri, of quantities of articles, labeled in part "Cassidy's 4X," and "P. G. S.," which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that "Cassidy's 4X" consisted essentially of aloes, colocynth, resins, a small amount of some mercury salt, alcohol, and water, and that the "P. G. S." consisted of plant extract, including extract from a laxative drug, resin, not more than a trace, if any, of mercury, alcohol, and water.

It was alleged in substance in the information that the "P. G. S." was misbranded for the reason that certain statements appearing on the carton falsely and fraudulently represented it as a remedy, treatment, and cure for scrofula, eczema, syphilitic affections, catarrh, rheumatism, malarial poison, and all affections of the skin caused by impure blood, and as a relief for kidney and bladder diseases, when, in truth and in fact, it was not.

It was alleged in substance that the "Cassidy's 4X" was misbranded for the reason that certain statements appearing on the label of the carton and bottle falsely and fraudulently represented it as a remedy, treatment, and cure for scrofula, eczema, syphilitic affections, catarrh, rheumatism, malarial poison, pimples, any cutaneous eruptions arising from an impure condition of the blood, hereditary blood poisoning, and all affections of the skin caused by impure blood, and as a relief for kidney and bladder diseases, when, in truth and in fact, it was not.

On October 7, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6842. Misbranding of Red Cross Pile Cure. U. S. * * * v. William Davidson Rea (Rea Brothers & Co.). Plea of guilty. Fine, $5. (F. & D. No. 8883. I. S. No. 8001-p.)

On October 4, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Davidson Rea, trading as Rea Bros. & Co., Minneapolis, Minn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 29, 1917, from the State of Minnesota into the State of Illinois, of a quantity of an article, labeled in part "Red Cross Pile Cure," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of suppositories composed essentially of cocoa butter, tannin, menthol, a lead compound, iodid, sulphate, and possibly acetate.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the

packages falsely and fraudulently represented it as a cure for piles, and effective as a remedy, treatment, and cure for blind, bleeding, itching, and protruding piles, fistula, fissures, ulcers, and all inflammation of the rectum and lower bowel, when, in truth and in fact, it was not.

On April 9, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

C. F. Marvin, *Acting Secretary of Agriculture.*

6843. Adulteration and misbranding of Marco feed and Marco dairy feed. U. S. * * * v. Marsh Commission Co., a corporation (Marco Mills). Plea of guilty. Fine, $50 and costs. (F. & D. No. 9070. I. S. No. 20820-m, 20825-m.)

On October 3, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Marsh Commission Co., a corporation, Pine Bluff, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on February 1, 1917, and November 29, 1916, from the State of Arkansas into the State of Tennessee, of a quantity of an article, labeled in part "Marco Feed" and "Marco Dairy Feed," which was adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

The "Marco Feed" showed on analysis 1.50 per cent of ether extract and 14.35 per cent of crude fiber. The ingredients found were alfalfa meal, cracked corn, oats, molasses, cottonseed hulls, a trace of peanut hulls, and weed seeds.

The ingredients found in the "Marco Dairy Feed" were alfalfa and a ground white corn by-product, cottonseed meal and hulls, and peanut shells.

Adulteration of the "Marco Feed" was alleged in the information for the reason that a certain substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for a product composed of alfalfa meal, molasses, cracked corn, and oats, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Guaranteed Analysis * * * Crude Fat 3.00%, Crude Fiber 10.00% * * * Ingredients: Alfalfa Meal, Molasses, Cracked Corn, Oats," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 3 per cent of crude fat and not more than 10 per cent of crude fiber, and that it was composed wholly of alfalfa meal, molasses, cracked corn, and oats, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 3 per cent of crude fat and not more than 10 per cent of crude fiber and was composed wholly of alfalfa meal, molasses, cracked corn, and oats, whereas, in truth and in fact, it contained less than 3 per cent of crude fat and more than 10 per cent of crude fiber, to wit, approximately 1.50 per cent of crude fat and approximately 14.35 per cent of crude fiber, and was not composed wholly of alfalfa meal, molasses, cracked corn, and oats, but was composed in part of a mixture consisting of cottonseed hulls.

Adulteration of the "Marco Dairy Feed" was alleged for the reason that cottonseed hulls and peanut hulls had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for a product composed of alfalfa meal, molasses, and hominy feed meal, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Ingredients: Alfalfa Meal, Molasses, and Hominy Feed Meal," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of alfalfa meal, molasses, and hominy feed meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of alfalfa meal, molasses, and hominy feed meal, whereas, in truth and in fact, it did not consist wholly of alfalfa meal, molasses, and hominy feed meal, but consisted in part of a mixture composed of peanut hulls and cotton-seed hulls.

On October 4, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6844. Misbranding of condensed milk. U. S. * * * v. Nestle's Food Co., a corporation. Plea of guilty. Fine, $300. (F. & D. No. 9100. I. S. No. 3433-m.)

On December 6, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nestle's Food Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on May 2, 1917, from the State of New York into the Republic of Panama, of a quantity of an article, labeled in part "Nestlé's Condensed Milk Prepared Specially for Export * * * by Henri Nestlé, Vevey, Switzerland," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net weight of 3 tins (ounces)	14.7
Total solids (per cent)	74.31
Milk solids (per cent)	28.31
Cane sugar by difference (per cent)	46.00
Fat (per cent)	7.95
Protein (N x 6.38) (per cent)	7.78

Analysis shows the product to consist of sweetened condensed milk.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Nestlé's Condensed Milk Prepared Specially for Export by Henri Nestlé, Vevey, Switzerland," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading, in that it represented that the article consisted wholly of condensed milk, and that it was a foreign product, to wit, condensed milk prepared in Vevey, Switzerland, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of condensed milk, and that it was a foreign product, to wit, a condensed milk prepared in Vevey, Switzerland, whereas, in truth and in fact, it did not consist wholly of condensed milk and was not a foreign product, to wit, a condensed milk prepared in Vevey, Switzerland, but was a product composed in part of sweetened condensed milk, and was a domestic product, to wit, a product prepared in the United States of America.

Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1919, the defendant company entered a plea of guilty to the above charges of misbranding, and the court imposed a fine of $300.

C. F. Marvin, *Acting Secretary of Agriculture.*

6845. Adulteration of tomatoes. U. S. * * * v. Robert G. Neale (Claybrook-Neale Packing Co.). Plea of guilty. Fine, $50. (F. & D. No. 9108. I. S. Nos. 2409-p, 2550-2551-p, 3201-p, 8833-p.)

On March 6, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert G. Neale, trading as the Claybrook-Neale Packing Co., Bowler's Wharf, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 13, 1917, September 18, 1917, September 20, 1917, September 6, 1917, and August 29, 1917, from the State of Virginia into the States of South Carolina, New York, and Indiana, of a quantity of an article, labeled in part "Aunt Jane Brand Our 'Mammy' Tomatoes Packed by the Claybrook-Neale Packing Company, Bowler's Wharf, Essex Co., Va.," which was adulterated.

Analyses of samples of the article from each shipment by the Bureau of Chemistry of this department showed from immersion refractometer readings of the juice at 20° C. the addition of water to the tomatoes.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

On April 9, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6846. Adulteration of eggs. U. S. * * * v. 5 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9125. I. S. No. 11845-p. S. No. C-923.)

On June 20, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 30 dozen eggs, at Chicago, Ill., alleging that the article had been shipped on or about June 14, 1918, by E. C. Grady, Grundy Center, Iowa, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted wholly of a decomposed animal substance.

On June 26, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6847. Adulteration of tomatoes. U. S. * * * v. Millard T. Dawson and William T. Callahan (Dawson & Callahan). Plea of guilty. Fine, $50. (F. & D. No. 9154. I. S. Nos. 1466-p, 1473-p, 1727-p.)

On October 17, 1918, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Millard T. Dawson and William T. Callahan, co-partners, trading as Dawson & Callahan, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about November 10, 1917, from the State of Virginia into the

State of Georgia, of a quantity of an article, labeled in part "Lodge Farm Brand Hand Packed Tomatoes," which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C. the addition of water to the tomatoes.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and had been substituted in part for tomatoes, which the article purported to be.

On December 11, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6848. Adulteration and misbranding of oil of wintergreen. U. S. * * * v. 1 Can of Oil of Wintergreen. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9184. I. S. No. 13601–r. S. No. E–1078.)

On August 6, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 59-pound can of oil of wintergreen, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped on or about July 12, 1918, by T. J. Ray, Elk Park, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, and its strength and purity fell below the professed standard and quality under which it was sold; and for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of wintergreen, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and offered for sale under the distinctive name of, another article, and that the statement on the invoice, to wit, "Wintergreen Oil," was false and misleading and deceived and misled the purchaser.

On November 2, 1918, the said Thomas J. Ray, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $118, in conformity with section 10 of the act, conditioned in part that the product should be relabeled "Imitation Oil of Wintergreen."

C. F. Marvin, *Acting Secretary of Agriculture.*

6849. Adulteration and misbranding of olive oil. U. S. * * * v. John Couramalis and John Pappaicannau (Couramalis & Co.). Pleas of guilty. Fine, $210. (F. & D. No. 9185. I. S. Nos. 1359–p, 1360–p, 19857–p, 19858–p, 19859–p, 19860–p.)

On December 13, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district an information against John Courumalis and John Pappaicannau, co-partners, trading as Courumalis & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 16, 1918 (2 shipments), and November 22, 1917 (4 shipments), from the State of New York into the States of Connecticut and Ohio, of quantities of olive oil which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to be practically all cottonseed oil and the containers to be short measure.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article in one of the shipments on January 16, 1918, and one of the shipments of November 22, 1917, was alleged for the reason that the statements, to wit, "Olive Oil Speciality from Lucca, Lucca Olive Oil, and 1 Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that said article was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in large part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, but was a domestic product, to wit, a product manufactured in the United States of America, and each of said cans did not contain one gallon net of the article, but contained a less amount.

Misbranding of the article in the other shipment on January 16, 1918, and one of the shipments of November 22, 1917, was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil, Extra Pure Terminal Imerese Sicilia-Italia, 1 Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in Sicily, kingdom of Italy and that each of said cans contained one gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that it was a foreign product, to wit, an olive oil produced in Sicily, kingdom of Italy, and that each of said cans contained one gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Sicily, kingdom of Italy, but was a domestic product, to wit, a product manufactured in the United States of America, and that each of said cans did not contain one gallon net of the article, but contained a less amount; and for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil.

Misbranding of the article in two of the shipments on November 22, 1917, was alleged for the reason that the statements, to wit, "Olio Puro D'Oliva

Lucca Italy, Net Contents Full Quarter Gallon, Olio Puro D'Oliva, Garantito Produzione Propria," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article was olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one full quarter gallon net of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that said article was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one full quarter gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, but was a domestic product, to wit, a product manufactured in the United States of America, and each of said cans did not contain one full quarter gallon net of the article, but contained a less amount; and for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil. Misbranding of the article in each of the shipments was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 31, 1918, the defendants entered a plea of guilty to the information, and the court imposed a fine of $210.

C. F. Marvin, *Acting Secretary of Agriculture.*

6850. Adulteration and misbranding of olive oil. U. S. * * * v. 2 Cases of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9186. I. S. No. 12510-r. S. No. E-1071.)

On July 18, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of two cases of olive oil, consigned on or about June 12, 1918, remaining unsold in the original unbroken packages at Peabody, Mass., alleging that the article had been shipped by Mourmouris & Colmiris, New York, N. Y., and transported from the State of New York into the State of Massachusetts, charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Olive Oil."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil and corn oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the labels of the packages bore a certain statement which was false and misleading, that is to say, the words "Olive Oil," in that said product was not olive oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not olive oil.

On January 10, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be properly branded, denoting that the contents consisted almost wholly of cottonseed oil, instead of olive oil, and should be sold at public auction by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 6801 TO 6850.

**Cases containing decisions of the courts or instructions to juries.*

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United States Department of Agriculture.

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6851–6900.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 21, 1920.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6851. Misbranding of Sealeaf Emulsion. U. S. * * * v. Sealeaf Emulsion Company, a corporation. Plea of guilty. Fine, $50. (F. & D. No. 9189. I. S. No. 1139–p.)

On December 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sealeaf Emulsion Co., a corporation, New York, N. Y., alleging shipment on September 17, 1917, by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of New Jersey, of a quantity of an article, labeled in part "Sealeaf Emulsion A Chocolate Cod Liver Oil," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that this product consisted essentially of cod liver oil with malt extract, chocolate, alcohol, aromatics, and water.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for pulmonary diseases, coughs, colds and general debility, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing in the circular accompanying the article falsely and fraudulently represented it to prevent attacks of diseases of women and to purify the blood; to prevent the catching of cold; to protect against lung trouble, rheumatism, weak-kidneys, and all organic diseases; and as a treatment, remedy, and cure for asthma, bronchitis, and catarrhal affections, and to prevent serious lung trouble and pneumonia; and to clean the system of all harmful elements; and as a preventative and remedy for all organic weakness, such as diabetes, grip, malaria, indigestion, stomach and bowel trouble, and gastritis; and as a safeguard against nervous prostration, to eliminate the poisons that cause rheumatism throughout the system; and as a remedy, treatment, and cure for rheumatism, when, in truth and in fact, it was not.

On December 31, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6852. Misbranding of cottonseed meal and cake. U. S. * * * v. Ladonia Cotton Oil Co., a corporation. Plea of nolo contendere. Fine, $50 and costs. (F. & D. No. 9190. I. S. No. 19744-m.)

On December 3, 1918, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ladonia Cotton Oil Co., a corporation, Ladonia, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 24, 1917, from the State of Texas into the State of Kansas, of a quantity of an article, labeled in part, "Choctaw Quality Cottonseed Meal and Cake," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)	11.25
Crude protein (per cent)	38.81
Total nitrogen (per cent)	6.21

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein 43 to 45% * * * Crude Fiber not more than 10%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 43 per cent of protein, and not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, and not more than 10 per cent of crude fiber, whereas, in truth and in fact, it contained less than 43 per cent of protein, and more than 10 per cent of crude fiber, to wit, approximately 38.81 per cent of protein and 11.25 per cent of crude fiber.

On March 31, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6853. Adulteration of canned apples. U. S. * * * v. William E. Robinson and Alphonso P. Robinson (W. E. Robinson & Co.). Plea of guilty. Fine, $20 and costs. (F. & D. No. 9192. I. S. Nos. 1405-m, 1695-m, 3328-m, 6261-m.)

On November 19, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Robinson and Alphonso P. Robinson, copartners, trading as W. E. Robinson & Co., at Bel Air, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 25, 1916, and July 29, 1916, from the State of Maryland into the State of Pennsylvania, and alleging the sale, on or about September 25, 1916, and July 21, 1916, of quantities of an article, labeled in part "Fawn Grove Brand Apples," which was adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment of July 21, 1916.—Two cans were swells and the contents were sour and decomposed.

Shipment of July 29, 1916.—Twelve cans examined were found to be leakers, swells, badly rusted, and contents fermented. Some of the cans were badly rusted inside and outside and contained pin holes.

Shipment of July 25, 1916.—Three cans were opened and two were leakers. A large part of the contents of the cans had leaked through the holes. The tins were badly rusted inside and out. The contents of the cans were fermented, decomposed, and filthy. The third can was a swell and the contents were fermented, sour, decomposed, and filthy. About 150 cases of these goods, examined in a warehouse in Baltimore, were practically all leakers, badly rusted, and in a condition similar to the cases opened in the laboratory.

Shipment of September 25, 1916.—Six cans were examined and each can was very badly rusted inside as well as outside. Nearly half of the contents of each can had leaked out. The residue was black, decomposed, and fermented.

Adulteration of the article in each shipment and in each sale was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 19, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6854. Misbranding of Bovinina. U. S. * * * v. Bovinine Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 9194. I. S. No. 6406–p.)

On December 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in two counts against the Bovinine Co., a corporation doing business at New York, N. Y., alleging shipment on or about July 21, 1917, by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the Territory of Porto Rico, of a quantity of an article, labeled in part "Bovinina," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was apparently a meat extract.

Count one alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label of the bottle falsely and fraudulently represented it as a treatment, remedy, and cure for anemia, nervous prostration, neuralgia, and any of the numerous symptoms of chronic gastric disturbances accompanied by insomnia and mental depression, when, in truth and in fact, it was not. Count two alleged in substance that the article was misbranded for the reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment, remedy, and cure for asthma, alcoholism, chronic inflammation of the respiratory organs, catarrhal inflammations, heart disease, diseases of children, sluggishness of the bowels, St. Vitus' dance, catarrh of the bladder, coughs and colds, general debility, atonic dyspepsia, menstrual disorders, diabetes, chronic gastritis, gastric ulcers, malnutrition, gastric anemia, nervous exhaustion; and effective as a tonic during the period of pregnancy to prevent difficult delivery, and to prevent prolonged puerperium, and complications after delivery; and effective to prevent consumption at the period of puberty; and effective as a treatment, remedy, and cure for phthisis, and the menapause or change of life; and effective to prevent the development of pulmonary diseases, degeneration of the kidneys, suppuration of the ears, hypertrophy of the glands of the neck, febrile ulcers, and infection of the

blood; and effective as a treatment, remedy, and cure for loss of vitality; and effective to restore normal metabolism of the cells, and to provide a perfect opsonic index; and effective as a treatment, remedy, and cure for syphilitic ulcerations, varicose ulcerations, and tubercular ulcerations, fistulas, rectal ulcerations, osteo-necrosis, deep abscesses, typhoid fever, enteritis, chronic colitis, and infantile cholera, when, in truth and in fact, it was not.

Misbranding of the article was alleged for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportions of alcohol contained therein.

On December 31, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 on each count.

C. F. Marvin, *Acting Secretary of Agriculture.*

6855. Adulteration of strawberries in sirup. U. S. * * * v. Wedoit Co., a corporation. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 9197. I. S. No. 12267-m.)

On December 17, 1918, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wedoit Co., a corporation, Columbus, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 23, 1917, from the State of Ohio into the State of Missouri, of a quantity of an article, labeled in part "Crusoe Brand Strawberries in Syrup," which was adulterated.

Examination of 4 cans of the article by the Bureau of Chemistry of this department showed all of them to be swells and 20 to 30 cc. of gas escaped from each on puncture without pressure. The berries were soft, disintegrated, and almost colorless.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 17, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6856. Adulteration and misbranding of olive oil. U. S. * * * v. John S. Perides. Plea of guilty. Fine, $90. (F. & D. No. 9201. I. S. No. 1374-p.)

On December 13, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John S. Perides, New York, N. Y., alleging shipment by said defendant, on March 13, 1918, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Massachusetts, of a quantity of an article, labeled in part "White Horse Brand Olive Oil * * * Lucca Italy * * * importer and Packer J. S. Perides 1 Gallon Net," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to consist almost wholly of cottonseed oil and to be short volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, and that said article was a foreign product, to wit, an olive oil produced at Lucca, in the kingdom of Italy, and that the can contained one gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, was not a foreign product, to wit, an olive oil produced at Lucca, in the kingdom of Italy, and said can did not contain one gallon net of the article, but was a mixture composed in part of cottonseed oil and was a domestic product, to wit, a product manufactured in the United States of America, and said can contained less than one gallon net of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On December 31, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $90.

C. F. Marvin, *Acting Secretary of Agriculture.*

6857. Misbranding of Green Mountain Herb Tea, Sabine's Indian Vegetable Tea, and Sabine's Indian Vegetable Cough Balsam. U. S. * * * v. Herman C. Lemke and Mary Sabine (A. J. Lemke Medicine Co.). Plea of guilty as to Herman C. Lemke. Fine, $300. Nolle prosequi entered as to Mary Sabine. (F. & D. No. 9203. I. S. Nos. 10572–p, 10573–p, 10574–p.)

On January 27, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman C. Lemke and Mary Sabine, co-partners, trading as the A. J. Lemke Medicine Co., Milwaukee, Wis., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 1, 1917, from the State of Wisconsin into the State of Illinois, of quantities of three articles, labeled in part, respectively, "Green Mountain Herb Tea," "Sabine's Indian Vegetable Tea," and "Sabine's Indian Vegetable Cough Balsam," which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the Green Mountain Herb Tea and the Indian Vegetable Tea to consist essentially of senna, fennel, elder flowers, anise, triticum, sassafras, American saffron, coriander, licorice root, butternut bark, buckthorn, and Epsom salts, and the Indian Vegetable Cough Balsam to consist essentially of sugar, tar, resins, traces of alkaloids, chloroform, alcohol, and water, flavored with aromatics.

It was alleged in substance in the information that the Green Mountain Herb Tea was misbranded for the reason that certain statements appearing on the packages falsely and fraudulently represented it as a treatment, remedy, and cure for indigestion, liver complaint, dyspepsia, sick headache, kidney complaints, pimples on the face; to purify the blood, to prevent malarial disorders, to make new rich, red blood, to strengthen and invigorate; and as a treatment, remedy, and cure for the different diseases to which women and children are subject, when, in truth and in fact, it was not.

It was alleged in substance that the Indian Vegetable Tea was misbranded for the reason that certain statements borne on the labels of the packages falsely and fraudulently represented it as a treatment, remedy, and cure for sick and nervous headache and indigestion; to purge out all foul humors, to create new rich blood; and as a cure for all scaly eruptions of the skin, humor in

the eyes, pimples on the face, scrofula, salt rheum, tetter, and discharges from the ear; and as a treatment, remedy, and cure for the different diseases of delicate females and young children, when, in truth and in fact, it was not.

It was alleged in substance that the Indian Vegetable Cough Balsam was misbranded for the reason that certain statements borne on the labels of the bottles and wrappers falsely and fraudulently represented it as a cure for coughs, colds, hoarseness, bronchitis, incipient consumption, whooping cough; and as a cure for lung complaints; and as a treatment and remedy for incipient consumption, and all throat and lung complaints, when, in truth and in fact, it was not.

On February 7, 1919, Herman C. Lemke entered a plea of guilty to the information, and the court imposed a fine of $300; a nolle prosequi was entered as to Mary Sabine.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6858. Adulteration and misbranding of Egg-O. U. S. * * * v. Christian F. Schoenewolf (Egg-O Co.). Plea of nolo contendere. Fine, $150 and costs. (F. & D. No. 9205. I. S. Nos. 3375-p, 3823-p, 4066-p.)

On January 15, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christian F. Schoenewolf, trading as the Egg-O Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on March 5, 1918, and March 6, 1918 (2 shipments), from the State of Maryland into the District of Columbia, of quantities of an article, labeled in part "Egg-O," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to consist essentially of corn starch, milk casein, baking powder, and to be artificially colored with Tartrazine and a small amount of Orange I and to weigh less than 1¾ ounces.

Adulteration of the article in each shipment was alleged in the information for the reason that it was an article inferior to an egg substitute, that is to say, inferior to an article that takes the place of eggs or to an article that produces practically the same result as eggs, to wit, a mixture composed of corn starch, milk casein, and baking powder, and said mixture was artificially colored with certain coal tar dyes, to wit, Tartrazine and Orange I, so as to simulate the appearance of a product composed in part of eggs, in a manner whereby its inferiority to a product composed in part of eggs was concealed.

Misbranding of the article in each shipment was alleged for the reason that the statements, to wit, "Takes the place of eggs This package used same as 12 eggs It is a scientific discovery that produces practically the same result as eggs," and "Average weight 1¾ oz.," borne on the packages containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was an egg substitute, that is to say that said article would take the place of eggs, and that the contents of each of said packages could be used the same as twelve eggs, and that said article produced practically the same result as eggs, and that the contents of each of said packages had an average weight of 1¾ ounces, whereas, in truth and in fact, it was not an egg substitute, that is to say, said article would not take the place of eggs, and the contents of each of said packages could not be used the same as 12 eggs and did not produce practically the same result as eggs, in that it was a mixture composed of corn starch, milk casein, and baking powder artificially colored, which had no value as an egg substitute, and the contents of each of said packages did

not average 1¾ ounces in weight, but did average a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 15, 1919, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $150.

C. F. Marvin, *Acting Secretary of Agriculture.*

6859. Adulteration of canned corn. U. S. * * * v. 1,941 Cases * * * of Canned Corn. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 9207, 9208. I. S. Nos. 6551–r, 6552–r. S. Nos. C–944–945.)

On August 6, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 699 cases and 1,242 cases, each containing 24 cans of canned corn, at Minneapolis, Minn., alleging that the article had been shipped on or about November 15, 1917, by the Underwriters Salvage Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On October 11, 1918, Wolpert-Davis Co., Minneapolis, Minn., having consented to a decree in so far as 1,200 cases of corn were concerned, and Bashaw and Co., Minneapolis, Minn., having consented to a decree in regard to 741 cases, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of bonds in the sum of $3,000 and $2,500, respectively, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6860. Adulteration and misbranding of one can of wintergreen leaf oil true. U. S. * * * v. 1 46-Pound Can Wintergreen Leaf Oil True. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9209. I. S. No. 13606–r. S. No. E.–1079.)

On August 6, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can, containing 46 pounds of wintergreen leaf oil true, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about July 22, 1918, by T. J. Ray, Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, and its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a certain substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been

substituted in part for wintergreen leaf oil true, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, wintergreen leaf oil true, and for the further reason that the statement on the invoice, to wit, "Wintergreen Leaf Oil True," was false and misleading and deceived and misled the purchaser.

On November 2, 1918, the said Thomas J. Ray, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $92, in conformity with section 10 of the act, conditioned in part that the product should be relabeled as imitation oil of wintergreen.

C. F. Marvin, *Acting Secretary of Agriculture.*

6861. Adulteration and misbranding of oil wintergreen leaf. U. S. * * * v. 1 69-Pound Can of Oil Wintergreen Leaf. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9210. I. S. No. 13603-r. S. No. E-1080.)

On August 6, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 69-pound can of oil wintergreen leaf, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped on or about July 13, 1918, by J. B. Johnson, Hickory, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, which differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, and its strength and purity fell below the professed standard and quality under which it was sold; and for the further reason that a substance, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil wintergreen leaf, which the article purported to be.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, oil of wintergreen leaf, and, considered as a food, for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article, and that the statement on the invoice, "Oil Wintergreen Leaf," was false and misleading, and deceived and misled the purchaser.

On March 10, 1919, the said J. B. Johnson, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $216, in conformity with section 10 of the act, conditioned in part that the product should be relabeled as imitation oil of wintergreen leaf.

C. F. Marvin, *Acting Secretary of Agriculture.*

6862. Misbranding of cottonseed meal. U. S. * * * v. 800 Sacks * * * of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9212. I. S. No. 11915–p. S. No. C–942.)

On August 8, 1918, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 sacks of cottonseed meal, consigned by W. C. Nothern, Pine Bluff, Ark., remaining unsold in the original unbroken packages at E. St. Louis, Ill., alleging that the article had been shipped on or about May 15, 1918, and transported from the State of Arkansas into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The tags on the sacks bore a guaranteed analysis of 38.62 per cent of protein while the average protein content was 35.7 per cent.

Misbranding of the article was alleged in the libel for the reason that the statements on the tags and labels as to the amount of protein contained in the article were false and misleading, and deceived and misled the purchaser.

On September 2, 1918, the said W. C. Nothern, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6863. Adulteration and misbranding of smoked salmon. U. S. * * * v. 432 Cans of Sliced Smoked Salmon in Sesame Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9213. I. S. No. 7503–r. S. No. C–946.)

On August 7, 1918, the United State attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 432 cans of sliced smoked salmon in sesame oil, at Chicago, Ill., alleging that the article had been shipped on or about May 1, 1918, by S. Schmidt & Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged for the reason that it consisted in part of a decomposed animal substance, and for the further reason that it contained in part cottonseed oil in place of sesame oil, and for the further reason that it wholly contained cottonseed oil in place of sesame oil.

Misbranding of the article was alleged for the reason that the statement, to wit, "In Sesame Oil," borne on the labels, was false and misleading in that it purported to set forth that the article consisted of sliced smoked salmon containing a normal quantity of sesame oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of sliced smoked salmon containing a normal quantity of sesame oil, whereas, in truth and in fact, it contained an excessive quantity of cottonseed oil in place of sesame oil.

On June 30, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6864. Adulteration and misbranding of oat middlings. U. S. * * * v. 550 Bags of Oats Middlings. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9215. I. S. No. 2314–r. S. No. W–237.)

On August 8, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 550 bags of oat middlings, consigned on or about June 12, 1918, and June 29, 1918, by the Bozeman Milling Co., Bozeman, Mont., remaining unsold in the original unbroken packages at Kent, Wash., alleging that the article had been shipped and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "90 lbs. Oat Mdgs." and was invoiced as "Oat Middlings."

Adulteration of the article was alleged in the libel for the reason that a product, consisting largely of oat hulls, had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for oat middlings, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oat middlings.

On August 12, 1918, the said Bozeman Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $700, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the direction and supervision of a representative of this department. The sacks were subsequently stenciled "Oat Offal," and the words "Oat Mdgs." obliterated.

C. F. Marvin, *Acting Secretary of Agriculture.*

6865. Adulteration and misbranding of olive oil. U. S. * * * v. 48 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9216. I. S. No. 13711–r. S. No. E–1083.)

On August 7, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 gallons of olive oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about July 6, 1918, by N. P. Economou, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olio Puro D'Oliva Lucca Tipo Italy." The shipment was made by N. P. Economou & Theodos.

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the labels of the cans, to wit, "Olio Puro D'Oliva," was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact,

it was a product of domestic manufacture, packed in the United States; and for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that the labels bore the words, to wit, "Full Gallon," whereas there was a shortage in each purported full gallon; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On December 5, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold at private sale by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6866. Adulteration and misbranding of olive oil. U. S. * * * v. 24 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9217. I. S. No. 13707–r. S. No. E–1084.)

On August 6, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 gallons of olive oil, remaining unsold in the original unbroken packages at South Norwalk, Conn., alleging that the article had been shipped, on or about February 14, 1918, by Emilio & Campolieti, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed with the product, cottonseed oil, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the label bore the words, to wit, "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia," which statements and words were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States; and for the further reason, that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the labels bore the words, "½ Gallon," and "¼ Gallon," respectively, whereas there was a shortage in each purported one-half gallon can and one-fourth gallon can. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 13, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal at private sale.

C. F. Marvin, *Acting Secretary of Agriculture.*

6867. Adulteration and misbranding of olive oil. U. S. * * * v. 24 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9219. I. S. No. 7507–r. S. No. C–948.)

On August 8, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cases, each containing 2 five-gallon cans of olive oil, at Chicago, Ill., alleging that the article had been shipped on April 18, 1918, by Matranga Bros., Los Angeles, Cal., and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Old Mission California Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the label of the can, to wit, "Olive Oil," was false and misleading in that it purported to set forth that the article consisted of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of olive oil, whereas, in truth and in fact, it contained cottonseed oil.

On April 26, 1919, Antonio Morici Co., a corporation, Chicago, Ill., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department as cottonseed oil slightly flavored with olive oil.

C. F. Marvin, *Acting Secretary of Agriculture.*

6868. Adulteration and misbranding of Red Bird Chocolate Liquor. U. S. * * * v. 16 Cases * * * of Red Bird Chocolate Liquor. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9222. I. S. No. 6582–p. S. No. E–1085.)

On August 9, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases, each containing 100 pounds of Red Bird Chocolate Liquor, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about March 2, 1918, by the Massachusetts Chocolate Co., Boston, Mass., and transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cocoa shells had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for Red Bird Chocolate Liquor, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of another article, and that the statement, "Red Bird Liquor Choc.," was false and misleading, and deceived and misled the purchaser.

On October 1, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled as "Compound Chocolate Liquor and Cocoa Shells," and should be sold by the United States marshal at public auction.

C. F. Marvin, *Acting Secretary of Agriculture.*

6869. Adulteration of shell eggs. U. S. * * * v. 200 Cases * * * of Shell Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9223. I. S. No. 13605–r. S. No. E–1074.)

On July 26, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages, at New York, N. Y., alleging that the article had been shipped on or about July 10, 1918, by the Danville Packing & Cold Storage Co., Danville, Ill., and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 26, 1918, Joseph J. Herald, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sorted under the supervision of a representative of this department, the unfit portion to be destroyed by the United States marshal, and the good portion to be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6870. Adulteration of eggs. U. S. * * * v. 10 Cases * * * of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed. (F. & D. No. 9224. I. S. No. 5651–r. S. No. C–933.)

On July 12, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of eggs, remaining unsold in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped on or about July 3, 1918, by Victor J. Yanson, Newburg, N. D., and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed substance.

On July 22, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the eggs should be recandled, the unfit portion to be destroyed and the good portion to be sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6871. Adulteration of eggs. U. S. * * * v. 15 Cases of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed. (F. & D. No. 9225. I. S. No. 5507–r. S. No. C–947.)

On July 30, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of eggs at Duluth, Minn., alleging that the article had been shipped on or about July 16, 1918, by A. A. Schauer, Heil, N. Dak., and transported from the State of North Dakota into the State of Minnesota, charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On September 5, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the inedible eggs should be destroyed and the good portion sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6872. Adulteration of fava beans. U. S. * * * v. 901 Sacks of Fava Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9226. I. S. No. 2205–r. S. No. W–238.)

On September 3, 1918, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 901 sacks of fava beans, remaining unsold in the original unbroken packages at Los Angeles, Cal., alleging that the article had been shipped on or about August 6, 1918, by the Parodi & Erminio Co., San Francisco, Cal., and was en route from the State of California into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, putrid, and decomposed vegetable and animal substance.

On September 27, 1918, the said Parodi & Erminio Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product should be inspected and reshipped under the supervision of a representative of this department, the good portion to be retained by the said claimant, and the unfit portion to be denatured and then returned to said claimant.

C. F. Marvin, *Acting Secretary of Agriculture.*

6873. Adulteration and misbranding of oil of sweet birch. U. S. * * * v. 20 50-Pound Cans of Oil of Sweet Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9228. I. S. No. 13609–r. S. No. E–1086.)

On August 13, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 50-pound cans of oil of sweet birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about August 3, 1918, by E. E. Dickinson & Co., Essex, Conn., and transported from the State of Connecticut into the State of New

York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, in that a substance, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of sweet birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, and in that the statement, "Oil of Sweet Birch," was false and misleading, and deceived and misled the purchaser.

On October 10, 1918, the said E. E. Dickinson & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2250, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

6874. Alleged adulteration of milk. U. S. * * * v. Gustave Tetz, Alfred Tetz, and William Tetz, jr. (Tetz Brothers). Tried to the court and a jury. Verdict for the defendant. (F. & D. No. 9230. I. S. No. 16044-p.)

On December 13, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gustave Tetz, Alfred Tetz, and William Tetz, jr., trading as Tetz Brothers, Ridgefield, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 20, 1918, from the State of Washington into the State of Oregon, of a quantity of milk which was alleged to have been adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Total solids, by drying	10.99
Fat, by Roese Gottlieb	2.59
Solids, not fat	7.50

This analysis shows that the milk contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for milk, which the article purported to be.

On February 1, 1919, the case having come on for trial on a plea of not guilty, which had heretofore been entered, after submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (Cushman, *D. J.*):

Gentlemen, you have had the facts thoroughly gone over before you by the arguments of different counsel, and it is the duty of the court before you go out to consider what verdict should be returned to instruct you upon the law.

This information is short. It charges the defendants with having shipped and delivered for shipment at Ridgefield, as I remember the name of the place, in the state of Washington, to be shipped to Portland, in the state of Oregon, a certain number of cans of milk which had been adulterated by having water substituted for the milk, and by having water mixed and packed with the milk, so as to decrease, lower, and injuriously affect the quality and strength of the milk.

To this information the defendants have entered a plea of not guilty. That places the burden upon the prosecution of establishing every material allegation of the information by evidence sufficient to convince you beyond a reasonable doubt. If you have a reasonable doubt concerning any material allegation of the information, it is your duty to give the defendants the benefit of the doubt and acquit them. The defendants you must consider separately; and if you have a reasonable doubt concerning the guilt of either one of the defendants, it would be your duty to give that defendant the benefit of the doubt and acquit him.

This law under which the information is drawn provides that if any person shall ship or deliver for shipment from any state to any other state any adulterated article of food he shall be punished.

Now, as I understand this testimony, there is not any particular dispute but what this milk was shipped and delivered for shipment at Ridgefield to be shipped to Portland, Oregon, that is, in interstate commerce. Of course milk is an article of food. While the defendants having entered a plea of not guilty it is necessary that all of these things should be established, yet the real dispute in the case, as I understand it, is regarding whether, if this milk had water added to it in such a way as to lower or decrease or injuriously affect its quality and strength, whether the defendants, or any of them, had knowingly caused that to be done. This statute provides that an article of food shall be deemed, for the purpose of this act, to be adulterated if any substance has been substituted for the article. It is also provided that an article of food shall be deemed, for the purpose of this act, to be adulterated if any substance has been mixed and packed with the article so as to decrease, lower, or injuriously affect its quality or strength; and it is under that law that this information is drawn.

There is no presumption arises against the defendants by reason of the fact that this information has been filed and they have been brought to trial before you. Every presumption of law is in favor of their innocence, and this presumption continues throughout the trial until such time as the evidence produced by the Government breaks down that presumption and overcomes it by establishing the truth of every material allegation beyond a reasonable doubt.

A reasonable doubt as used in this instruction means just what the two words mean. It is a doubt based upon reason; a doubt for which you can give a reason. The law does not require that before a verdict of guilty should be returned every possibility of mistake be eliminated from the case. Such degree of certainty is seldom ever arrived at in human transactions. But it does require that before you can arrive at a verdict of guilty against a defendant something more than a preponderance of the evidence should support the charge. That has been defined as beyond a reasonable doubt. A reasonable doubt has also been defined as being such a doubt as would cause a man of ordinary intelligence, discretion, decision, and sensibility to pause or hesitate in any of the more important transactions connected with his affairs. If you have such a doubt concerning one or more of the material allegations of the information, then you have a reasonable doubt, and it is your duty to give the defendants the benefit of that doubt and acquit. If you have no such doubt, it is your duty to return a verdict of guilty.

The court will read to you certain instructions that are requested [reads]:

The prosecution in this case is under what is known as the Food and Drug Act, and that part of the statute bearing on this case provides that any person who shall ship or deliver for shipment from any state to another state any food adulterated within the meaning of this act shall be guilty; and such food is adulterated within the meaning of the act, first, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; second, if any substance has been substituted wholly or in part for the article.

The Government under this statute has charged that Gustav Tetz, Alfred Tetz, and William Tetz, jr., trading as Tetz Brothers, on the 20th day of February 1918, unlawfully shipped and delivered for shipment from Ridge-

field, Washington, to Portland, Oregon, a number of cans containing milk, and that such milk when shipped and delivered for shipment was adulterated in that water had been mixed and packed with the milk so as to reduce and lower and injuriously affect its quality and strength, and that such milk was further adulterated in that added water had been substituted in part for milk, which the article purported to be. You are instructed that the burden is upon the Government to prove all these allegations beyond a reasonable doubt.

The purpose of this act was to protect purchasers from injurious deceits by the sale of inferior for superior articles, and to protect the health of the people by preventing the sale of normally wholesome articles to which have been added substance poisonous or detrimental to health. Before you can convict the defendants it must be shown both that they intentionally added and mixed water with the milk and that the effect of adding to and mixing water with the milk was to reduce and lower or injuriously affect its quality or strength, or by such substitution of water for milk they intended to deceive its purchaser into buying an inferior for a superior product. [Ends reading.]

In that connection I will instruct you that all persons are presumed to intend the natural and ordinary consequences of their voluntary acts.

[Resumes reading.] Crime or an unlawful act necessarily implies knowledge and intent. Our mistakes, accidents, and misfortunes carry a sufficient penalty of their own, and the law does not attempt to add additional punishment.

Under the information the Government charges that the Tetz Brothers unlawfully shipped and delivered for shipment from Ridgefield, Washington, to Portland, Oregon, this milk, and that such milk when shipped and delivered for shipment was then and there adulterated. By this language the Government necessarily implies that the milk must have been adulterated before the Tetz Brothers left it at the station for shipment, and the only way the Tetz Brothers could be held responsible for adulteration after its delivery at the station would have been for some third person to adulterate such milk afterwards with the knowledge and consent of said Tetz Brothers. If purposely adulterated by others without their knowledge or by accident they are not guilty.

If you find that some one else without the knowledge or consent of the said Tetz Brothers mixed water with this milk or removed some of the milk from the cans and substituted water therefor, then you must find the defendants not guilty; because the defendants are not responsible for the acts of third persons over whom they have no control.

If you find that the defendants did not adulterate this milk by the addition of water or by removing some of the milk from the cans and substituting water therefor, and that no one else so adulterated such milk with the knowledge and consent of the defendants, then the said defendants are not guilty as charged.

If you find that such tests are below normal and that the lowness of such tests are due to natural and not to any human agency, then such milk would not be adulterated as charged by the information and the defendants are not guilty.

You are instructed that this is not a prosecution of the defendants merely because their milk fell below some particular standard whether fixed by United States regulations or state law, and the fact that on some particular day their milk fell below such standard tests would not make them guilty; but the question for you to determine is whether they, by themselves or through some third person, added artificially water to this milk or shipped it after they knew it had been so watered. [Concludes reading.]

You are in this case, as in every case where questions of fact are submitted to a jury for determination, the sole and exclusive judges of every question of fact, the weight of the evidence, and the credibility of the witnesses. As I have instructed you in other cases, in determining the credit to be given to the different witnesses and in determining what the facts are from the evidence, you should closely heed the different witnesses as they come upon the witness stand, observe their conduct, demeanor, and actions as they give their testimony, whether they impress you as showing by their manner that they were anxious to tell the truth and the whole truth, neither adding to it or taking from it, and whether they may not have impressed you as reluctant and evasive, holding back something and trying to keep from telling you all they claimed to know, or whether they may not have impressed you that they were

too willing, running along and injecting something into the case that nobody seemed to care anything about and which they were asked no questions about. You will consider the testimony of each witness as to whether it appears to be unlikely, unreasonable or improbable, and as to whether it is corroborated by other evidence where you would expect it to be corroborated if true, or whether it is contradicted by other evidence. You will also take into consideration the situation in which each witness was placed as to enabling that witness to know the exact facts; as one witness might be much better situated and located to know what the facts were than another witness who was just as anxious to tell the truth. You will also take into account the interest that each witness has in the case, as shown by his manner of testifying or his relation to the case. The defendants having taken the stand in their own behalf, you will weigh their testimony by the same rules as that of other witnesses, including their natural interest in the case.

The jury thereupon retired and after due deliberation returned a verdict of not guilty.

C. F. Marvin, *Acting Secretary of Agriculture.*

6875. Adulteration and misbranding of Dolomol-Calomel and Dolomol-Iodoform. U. S. * * * v. Pulvola Chemical Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 9231. I. S. Nos. 3913-p, 3914-p.)

On November 14, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pulvola Chemical Co., a corporation, Jersey City, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 21, 1918, from the State of New Jersey into the State of New York, of quantities of articles, labeled in part "Dolomol-Calomel," and "Dolomol-Iodoform," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Dolomol-Calomel contained 10.99 per cent of calomel, and that the Dolomol-Iodoform contained 7.09 per cent of iodoform.

Adulteration of Dolomol-Calomel was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as a product which contained 25 per cent of calomel, whereas, in truth and in fact, it contained less than 25 per cent of calomel, to wit, approximately 10.99 per cent of calomel.

Misbranding of the article was alleged for the reason that the statement, to wit, "Calomel 25 Per Cent," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained no less than 25 per cent of calomel, whereas, in truth and in fact, it contained less than 25 per cent of calomel, to wit, approximately 10.99 per cent of calomel.

Adulteration of Dolomol-Iodoform was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was sold as a product which contained not less than 10 per cent of iodoform, whereas, in truth and in fact, it contained less than 10 per cent of iodoform, to wit, approximately 7.09 per cent of iodoform.

Misbranding of the article was alleged for the reason that the statement, to wit, "Iodoform * * * 10 Per Cent," borne on the labels attached to the cans, was false and misleading, in that it represented that the article contained not less than 10 per cent of iodoform, whereas, in truth and in fact, it contained less than 10 per cent of iodoform, to wit, approximately 7.09 per cent of iodoform.

On December 2, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6876. Misbranding of cottonseed meal or cake. U. S. * * * v. Hollis Cotton Oil, Light & Ice Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 9345. I. S. Nos. 19738–m, 19739–m, 19740–m.)

On January 18, 1918, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hollis Cotton Oil, Light & Ice Co., a corporation, Hollis, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 23, 1916, December 26, 1916, and January 4, 1917, from the State of Oklahoma into the State of Kansas, of quantities of an article, labeled in part "Cotton Seed Meal or Cake," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Determination.	Shipment of—		
	Nov. 23, 1916.	Dec. 26, 1916.	Jan. 4, 1917.
	Per cent.	*Per cent.*	*Per cent.*
Ether extract (crude fat)	5.35	5.23	5.40
Crude fiber	12.23	11.0	11.87
Crude protein	37.50	38.4	37.06

Misbranding of the article in the shipment on November 23, 1916, was alleged in the information for the reason that the statement, to wit, "* * * chemical analysis: Crude Protein not less than 43 per cent Crude Fat not less than 6 per cent Crude Fibre not more than 9 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 43 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 9 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it contained less than 43 per cent of crude protein, less than 6 per cent of crude fat, and contained more than 9 per cent of crude fiber, to wit, approximately 37.50 per cent of crude protein, approximately 5.35 per cent of crude fat, and approximately 12.23 per cent of crude fiber.

Misbranding of the article in the shipment on December 26, 1916, was alleged for the reason that the statement, to wit, "* * * chemical analysis: Crude Protein not less than 43 per cent Crude Fat not less than 7 per cent Crude Fibre not more than 9 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 43 per cent of crude protein, not less than 7 per cent of crude fat, and not more than 9 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein, not less than 7 per cent of crude fat, and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it contained less than 43 per cent of crude protein, less than 7 per cent of crude fat, and contained more than 9 per cent of crude fiber, to wit, approximately

38.4 per cent of crude protein, 5.23 per cent of crude fat, and 11.0 per cent of crude fiber.

Misbranding of the article in the shipment on January 4, 1917, was alleged for the reason that the statement, to wit, "* * * chemical analysis: Crude Protein not less than 41 per cent Crude Fat not less than 6 per cent Crude Fibre not more than 10½ per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 10½ per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 10½ per cent of crude fiber, whereas, in truth and in fact, it contained less than 41 per cent of crude protein, less than 6 per cent of crude fat, and more than 10½ per cent of crude fiber, to wit, approximately 37.06 per cent of crude protein, 5.40 per cent of crude fat, and 11.87 per cent of crude fiber.

On January 24, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6877. Adulteration and misbranding of butter. U. S * * * v. Philip Cohen. Collateral of $25 forfeited. (F. & D. No. 9347. I. S. No. 4072–p.)

On August 25, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Philip Cohen, Washington, D. C., alleging that said defendant did offer for sale and sell at the district aforesaid, in violation of the Food and Drugs Act, on June 14, 1918, a quantity of creamery butter which was adulterated and misbranded. The article was not labeled but was sold as creamery butter.

Analysis of a sample of the article by the Bureau of Chemistry of this department indicated by the spoon test that the product was renovated butter.

Adulteration of the article was alleged in the information for the reason that a product, to wit, renovated or process butter, had been substituted in whole or in part for creamery butter, which the article purported to be.

Misbranding of the article was alleged for the reason that it was a product composed in whole or in part of renovated or process butter, and was offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On August 25, 1919, the defendant having failed to appear, the collateral of $25 that had theretofore been deposited by him to insure his appearance was forfeited by the court.

C. F. Marvin, *Acting Secretary of Agriculture.*

6878. Misbranding of oysters. U. S. * * * v. Barataria Canning Co., a corporation. Plea of guilty. Fine, $10. (F. & D. No. 9349. I. S. No. 8797–p.)

On February 4, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Barataria Canning Co., a corporation doing business at New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act,

as amended, on or about April 3, 1918, from the State of Louisiana into the State of Alabama, of a quantity of an article, labeled in part "Tika Brand Cove Oysters," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the net weight to be as follows:

Number of cans.	Ounces.
2	4.2
1	4.3
4	4.4
3	4.5
4	4.6
3	4.7
1	4.9
4	5.0
1	5.2
1	5.3
Total 24 cans	112.3
Average	4.68
Average shortage	.32

Average shortage, 6.4 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 5 Ounces," borne on the labels attached to the cans containing the article, regarding it, was false and misleading in that it represented that each of said cans contained 5 ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 5 ounces net of the article, whereas, in truth and in fact, each of said cans did not contain 5 ounces net of the article, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 31, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

6879. Adulteration and misbranding of olive oil. U. S. * * * v. Simone Di Paola and Giovanni Di Paola (Di Paola Bros.). Pleas of guilty. Fine, $400. (F. & D. No. 9351. I. S. Nos. 2012–p, 4466–p, 4467–p, 4469–p, 4470–p, 4471–p, 7301–p, 7302–p.)

On February 11, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Simone Di Paola and Giovanni Di Paola, co-partners, trading as Di Paola Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 26, 1918, and December 22, 1917, from the State of New York into the State of New Jersey, and on January 28, 1918, into the State of Connecticut, of quantities of an article, labeled variously in part "Rinomati Oleifici Spadaro Lucca (design) Lucca Pure Olive Oil—Italia—Prodotti Italiani Olio Extrafino," "This olive oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera Vergine Questo Olio D'Oliva, Prodotto Della Riviera Ligure, E. Garantito Purissimo," "Frate Del Bosco Lucca Brand Toscana-Italia Extra Fine Olive Oil Guaranteed Absolutely Pure," "Finest quality Olive Oil Extra

Pure Termini Inerese Sicilia-Italia Guaranteed Absolutely Pure," "Purissimo Olio Di Bitonto-Bari * * * We guarantee this Olive Oil to be absolutely Pure under Chemical Analysis and of Finest Quality," and "Olive Oil Speciality Olive Oil," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the different brands except the "Olio Bitonto-Bari" to consist principally of cottonseed oil and to be short volume. The "Olio Bitonto-Bari" consisted of corn oil.

Adulteration of the article in each shipment was alleged in the information for the reason that a certain substance, to wit, cottonseed oil, or corn oil, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Adulteration of the article in certain of the shipments was alleged in substance for the further reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of investigation of the article, in that said Pharmacopœia provides that olive oil is a fixed oil obtained from Olea Europœa, whereas said article was a mixture composed in part of oil obtained from cottonseed, and that the specific gravity of olive oil shall be 0.910 to 0.915 at 25° C., whereas the specific gravity of the article was 0.9189 or 0.9217 at 25° C., and in that said Pharmacopœia provides that the iodin number shall not be more than 90, whereas said article showed an iodin number of 108.6 or 110.9, as the case might be.

Misbranding of the article in all except one of the shipments was alleged in subtance for the reason that the above-quoted statements, borne on the cans containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, or in Lucca, or in Sicily, in the kingdom of Italy, as the case might be, and that each of said cans contained one-fourth gallon net, or one-half gallon net, or one gallon net, or one quart of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a pure olive oil, and that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, or in Lucca, or in Sicily, in the kingdom of Italy, and that each of said cans contained one-fourth gallon, one-half gallon, one gallon net, or one quart of the article, whereas, in truth and in fact, it was not pure olive oil, but a mixture composed in part of cottonseed oil, or corn oil, as the case might be, and was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, or in Lucca, or in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced and manufactured in the United States of America, and each of said cans did not contain one-fourth gallon net, or one-half gallon net, or one gallon net, or one quart of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in large part of cottonseed oil, or corn oil, as the case might be, prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the aforesaid statements purported that the article was a foreign product, whereas, in truth and in fact, it was not, but was a

domestic product. Misbranding of the article in the shipment excepted above was alleged in substance for the reason that the statements "Olive Oil, 1 gallon Net," borne on the cans containing it, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was olive oil, and that each of the cans contained one gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that each of the cans contained one gallon net of the article, whereas, in truth and in fact, said article was not olive oil, and each of the cans did not contain one gallon net of the article, but said article was a mixture composed in large part of cottonseed oil, and each of said cans contained less than one gallon net of the article. Misbranding was alleged for the further reason that the article was a mixture composed in large part of cottonseed oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil. Misbranding of the article in all except two of the shipments was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 5, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $400.

C. F. Marvin, *Acting Secretary of Agriculture.*

6880. Adulteration of ammonia liniment. U. S. * * * v. Marvin Herndon (Geo. W. Hurlebaus). Collateral of $20 forfeited. (F. & D. No. 9360. I. S. No. 4043–p.)

On April 28, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Marvin Herndon, trading under the name of Geo. W. Hurlebaus, Washington, D. C., alleging that said defendant did offer for sale and sell at the District aforesaid, on May 15, 1918, in violation of the Food and Drugs Act, a quantity of an article, labeled in part "Ammonia Liniment Geo. W. Hurlebaus, Druggist Cor. 14th and V Sts. N. W., Washington, D. C.," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product bore a name recognized in the United States Pharmacopœia, but differed from the standards prescribed for ammonia liniment in that it contained about 3½ times as much ammonia, and cottonseed oil had been substituted for sesame oil.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that the article contained approximately 9 per cent of ammonia, whereas said Pharmacopœia provides that the article shall contain approximately 2.58 per cent of ammonia; and for the further reason that it contained cottonseed oil, whereas the said Pharmacopœia provides that the article shall contain sesame oil, and cottonseed oil is not mentioned as an ingredient of the article, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On April 28, 1919, the defendant having failed to appear, the $20 collateral that had theretofore been deposited by him to secure his appearance was forfeited by order of the court.

C. F. Marvin, *Acting Secretary of Agriculture.*

6881. Adulteration and misbranding of maple sirup base. U. S. * * * v. Dr. Ward's Medical Co., a corporation. Plea of guilty. Fine, $15. (F. & D. No. 9362. I. S. No. 12642-p.)

On May 20, 1919, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dr. Ward's Medical Co., a corporation, Winona, Minn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 6, 1917, from the State of Minnesota into the State of Wisconsin, of a quantity of an article, labeled in part "Ward's Maple Syrup Base * * * Prepared by Dr. Ward's Medical Co., Winona, Minn.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was essentially a hydroalcoholic solution of fenugreek and vanillin, colored with caramel.

Adulteration of the article was alleged in the information for the reason that an imitation maple flavor had been substituted in whole or in part for maple sirup base, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Maple Syrup Base Recipe for One Gallon Syrup Granulated sugar 7 lbs. Hot water 4 pts. Maple Base (two tablespoons) 1 oz. Dissolve sugar thoroughly in hot water, then add Maple Base while stirring," borne on the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was maple sirup or maple sirup flavor, which, when used as directed, would impart a maple sirup flavor to a sirup made from granulated sugar and water, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a maple sirup or maple sirup flavor, which, when used as directed, would impart a maple sirup flavor to a sirup made from granulated sugar and water, whereas, in truth and in fact, it was not a maple sirup or maple sirup flavor, but was an imitation maple sirup or maple sirup flavor which would impart only an imitation maple sirup flavor to a sirup made of granulated sugar and water.

On May 20, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $15.

C. F. Marvin, *Acting Secretary of Agriculture.*

6882. Adulteration of tomato sauce. U. S. * * * v. 830 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9363. I. S. No. 14876-r. S. No. E-1123.)

On September 24, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 830 cases, each containing 72 cans of tomato sauce, consigned by Pasquale Bisceglia, San Jose, Cal., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about August 20, 1918, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Crati Brand Tomato Sauce, Bisceglia Bros., San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On November 15, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6883. Adulteration of string beans. U. S. * * * v. 1,306 Cases of String Beans. Consent decree of condemnation and forfeiture. Good portion ordered released on bond, unfit portion ordered destroyed. (F. & D. No. 9365. I. S. No. 2480–r. S. No. W–247.)

On September 27, 1918, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,306 cases of string beans, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped on August 5, 1918, by Armour & Co., Los Angeles, Cal., and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On October 31, 1918, the said Armour & Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sorted under the supervision of a representative of this department, the unfit portion to be destroyed by the United States marshal, and the good portion to be released to said claimant on the payment of the costs of the proceedings and the execution of a bond in the sum of $4,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6884. Misbranding of Fruit-a-tives. U. S. * * * v. 84 Dozen Packages of Fruit-a-tives. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9373. I. S. No. 12525–r. S. No. E–1126.)

On October 2, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 84 dozen packages of Fruit-a-tives, consigned on August 16, 1918, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Fruitatives Limited, Ogdensburg, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "'Fruit-a-tives.' 'Fruit Liver Tablets.'"

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained essentially extracts of aloes, nux vomica (strychnine), and cinchona bark (quinine).

Misbranding of the article was alleged in the libel of information for the reason that the statements borne on the labels, together with the designs on the cartons showing an apparatus receiving a number of different fruits and discharging apparently Fruit-a-tive tablets [which said statements, designs, and devices] were false and misleading in that they conveyed the impression that the laxative properties of the article were due to the presence of fruit or fruit extracts, when, in truth and in fact, said laxative properties were due to the presence of aloes and nux vomica in the article. Misbranding of the article was alleged for the further reason that the statements, borne on the labels of the packages, to wit, "Strengthens the Stomach and Liver, Tones up the Nervous System, Tones and Sweetens the Stomach, Relieves Headaches, Dizziness, Backache; Fruit-a-tives is an effective remedy * * * and has a distinctly remedial action on the stomach, liver, bowels, kidneys, skin, and nervous system; Fruit-a-tives is a remedy, treatment or cure for indigestion,

kidney irritation, skin diseases, headaches, backaches, sleeplessness, pelvic pains, nervous depression, blood impurities and catarrh," were false and fraudulent in that the article was incapable of producing the curative and therapeutic effects claimed for it.

On November 26, 1919, Brewer & Co., Worcester, Mass., claimant, having filed an answer and a good and sufficient bond, in conformity with section 10 of the act, for release of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant.

C. F. Marvin, *Acting Secretary of Agriculture.*

6885. Adulteration and misbranding of olive oil. U. S. * * * v. 41 Gallon Cans of a Product Purporting to Be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9375. I. S. No. 13670–r. S. No. E–1129.)

On October 3, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 41 gallon cans of a product purporting to be olive oil, consigned on or about June 11, 1918, remaining unsold in the original unbroken packages at North Adams, Mass., alleging that the article had been shipped by J. S. Perides, New York, N. Y., and transported from the State of New York into the State of Massachusetts, charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the labels bore a statement which was false and misleading, that is to say, the statement that it was Italian olive oil compounded with cottonseed oil, whereas it was not Italian olive oil, but was wholly cottonseed oil; and for the further reason that by manner of display it led the purchaser to believe that it was a foreign product, when, in truth and in fact, it was a product of domestic manufacture. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On January 10, 1919, no claimant having appeared for the property, and only twenty-nine gallon cans of said product having been found and seized by the marshal, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be properly branded, denoting that the contents consisted almost wholly of cottonseed oil instead of olive oil, and should be sold at public auction by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6886. Adulteration and misbranding of olive oil. U. S. * * * v. 70 Half-gallon Cans of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9379. I. S. No. 12519–r. S. No. E–1128.)

On October 7, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 70 half-gallon cans of a product purporting

to be olive oil, consigned on or about July 13, 1918, remaining unsold in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by N. S. Monahos, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and labels thereof bore a certain statement, design, and device which was false and misleading, to wit, the words "Olio Olivola," together with designs of a woman's head with wreath of fruited olive twigs and representations of olive sprays, prominently displayed thereon, and, in an inconspicuous manner, the words "Winterpressed Cottonseed Salad Oil," all of which would lead a purchaser to believe that said food was olive oil, whereas, in truth and in fact, it was not olive oil. Misbranding of the article was further alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On January 10, 1919, no claimant having appeared for the property, and only thirty-five half-gallon cans of said product having been found and seized by the marshal, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the packages should be properly branded, denoting that the contents consisted almost wholly of cottonseed oil instead of olive oil, and should be sold at public auction by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6887. Adulteration of salmon. U. S. * * * v. 375 Cases and 48 Cans of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9381. I. S. No. 5981–r. S. No. C–984.)

On October 7, 1918, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 375 cases and 48 cans of salmon, remaining unsold in the original unbroken packages at Laurel, Miss., alleging that the article had been shipped on or about April 4, 1918, by Everding & Farrell, Portland, Ore., and transported from the State of Oregon into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 12, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6888. Adulteration of tomato sauce. U. S. * * * v. 150 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9384. I. S. No. 13704–r. S. No. E–1134.)

On October 10, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases of tomato sauce, remaining unsold in the

original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about June 18, 1918, by the Thomas Roberts Co., Windy Hill, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Packed by the Windy Hill Packing Company Easton, Md. Pure Tomato Sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On November 21, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6889. Adulteration and misbranding of olive oil. U. S. * * * v. 19 Cases, More or Less, Containing Cans of Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9385. I. S. No. 12353-r. S. No. C-988.)

On October 10, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 cases, more or less, containing cans of oil, at Cleveland, O., alleging that the article had been shipped on or about June 10, 1918, by N. S. Monahos, New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Olio Olivola" and "Winter-pressed cottonseed salad oil flavored slightly with pure olive oil, a compound."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted almost entirely for olive oil, which the article purported to be, thereby lowering its quality, strength, and value.

Misbranding of the article was alleged in that said labeling and design, not corrected by above-quoted words in less prominent type, were false and misleading and deceived and misled the purchaser, in that such statement and design indicated that said cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted almost entirely for olive oil. Misbranding of the article was further alleged in substance for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 4, 1918, Higgins, Babcock, Hurd Co., Cleveland, O., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6890. Adulteration and misbranding of feed. U. S. * * * v. Marsh Commission Co. (Marco Mills). Plea of guilty. Fine, $50 and costs. (F. & D. No. 8397. I. S. Nos. 12059-m, 12068-m, 12069-m.)

On April 19, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

the Marsh Commission Co., trading as Marco Mills, a corporation, Pine Bluff, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on January 23, 1917, and January 25, 1917 (2 shipments), from the State of Arkansas into the State of Louisiana, of a quantity of articles, labeled in part "Jockey Horse and Mule Feed," "M Feed," and "Feedit Stock Feed," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

	Jockey Horse and Mule Feed.	M Feed.	Feedit Stock Feed.
	Per cent.	*Per cent.*	*Per cent.*
Ether extract	1.65	2.29	1.63
Crude fiber	15.96	15.31	15.63
Crude protein	7.81	7.75	6.50

In addition to the ingredients claimed, the Jockey Horse and Mule Feed also contained peanut shells and a considerable amount of cottonseed hulls, the M Feed, kafir, peanut shells, and cottonseed hulls, and the Feedit Stock Feed, kafir or milo and a small amount of oats.

Adulteration of the Jockey Horse and Mule Feed was alleged in the information for the reason that substances, to wit, peanut shells and cottonseed hulls, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and had been substituted in part for "Jockey Horse and Mule Feed Ingredients: Corn, Oats, Alfalfa, Ground Hay, Molasses," which the article purported to be.

Adulteration of the M Feed was alleged for the reason that substances, to wit, kafir, peanut shells, and cottonseed hulls, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and had been substituted in part for "M Feed Ingredients: Corn, Oats, Alfalfa, Ground Hay, Molasses," which the article purported to be.

Adulteration of the Feedit Stock Feed was alleged for the reason that substances, to wit, kafir or milo, and oats, had been substituted in part for "Feedit Stock Feed Ingredients: Corn, Ground Hay, Ground Cotton Seed Hulls, Molasses," which the article purported to be.

Misbranding of the Jockey Horse and Mule Feed and the M Feed was alleged in substance for the reason that the statement, to wit, "Guaranteed Analysis Protein 9.75% Fat 2.50% * * * Crude Fiber 15.00% ingredients: Corn, Oats, Alfalfa, Ground Hay, Molasses," borne on the bags containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 9.75 per cent of protein, not less than 2.50 per cent of fat, and not more than 15 per cent of crude fiber, and that it consisted exclusively of corn, oats, alfalfa, ground hay, and molasses, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9.75 per cent of protein, not less than 2.50 per cent of fat, and not more than 15 per cent of crude fiber, and that it consisted exclusively of corn, oats, alfalfa, ground hay, and molasses, whereas, in truth and in fact, it contained less than 9.75 per cent of protein, less than 2.50 per cent of fat, and more than 15 per cent of crude fiber, and did not consist exclusively of corn, oats, alfalfa, ground hay, and molasses, but contained 7.81 per cent or 7.75 per cent of protein, 1.65 per cent or 2.29 per cent of fat, and 15.96 per cent or 15.31 per cent of crude fiber, and contained peanut shells and added cottonseed hulls, or peanut shells, kafir, and added cottonseed hulls, as the case might be. Misbranding of the Feedit Stock

Feed was alleged in substance for the reason that the statement, to wit, "Guaranteed analysis: Protein 7.75% Fat 2.50 [2.00] % Ingredients: Corn, Ground Hay, Ground Cottonseed Hulls, Molasses," borne on the bags containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7.75 per cent of protein and not less than 2.50 [2.00] per cent of fat, and that it consisted exclusively of corn, ground hay, ground cottonseed hulls, and molasses, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7.75 per cent of protein and not less than 2.50 [2.00] per cent of fat, and that it consisted exclusively of corn, ground hay, ground cottonseed hulls, and molasses, whereas, in truth and in fact, it contained less than 7.75 per cent of protein and less than 2.50 [2.00] per cent of fat, and did not consist exclusively of corn, ground hay, ground cottonseed hulls, and molasses, but contained 6.50 per cent of protein and 1.63 per cent of fat and contained kafir or milo, and added oats.

On May 20, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6891. Misbranding of cracked cottonseed feed. U. S. * * * v. Hunt County Oil Co., a corporation. Plea of guilty. Fine, $10. (F. & D. No. 9348. I. S. No. 21699-m.)

On March 31, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hunt County Oil Co., a corporation, Wolfe City, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 3, 1917, from the State of Texas into the State of New Mexico, of a quantity of an article, labeled in part "First Grade Cracked Cotton Seed Feed * * * Protein 43.00 per cent * * * Hunt County Oil Company, Wolfe City, Texas," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Protein (N x 6.25) (per cent)	40.12

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 43.00 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 43.00 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it contained less than 43 per cent of protein, to wit, approximately 40.12 per cent of protein.

On May 10, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6892. Adulteration and misbranding of olive oil. U. S. * * * v. Michael Montagnino and Ignatius Scaduto (Montagnino & Scaduto). Pleas of guilty. Fine, $22.50. (F. & D. No. 9352. I. S. No. 1228-p.)

On January 16, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Michael Montagnino and Ignatius Scaduto, trading as Montagnino & Scaduto, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on Feb. 1, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Finest Quality Olive Oil Extra Pure," and "1 Gallon Net," "½ Gallon Net," and "¼ Gallon Net," which was adulterated and misbranded.

Analysis of samples of the article by the Bureau of Chemistry of this department showed a positive test for corn oil with nitric acid and indicated the presence of over 50 per cent corn oil, and each size can was short volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, corn oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure," "Termini Imerese Sicilia-Italia," "Guaranteed Absolutely Pure," and "1 Gallon Net," or "½ Gallon Net," or "¼ Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon or one-half gallon, or one-quarter gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or one-half gallon, or one-quarter gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of corn oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one gallon, or one-half gallon, or one-quarter gallon net of the article, but contained less amounts. Misbranding of the article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of corn oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that said statements borne on the cans purported that it was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 29, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $22.50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6893. Misbranding of olive oil. U. S. * * * v. Nicholas Gamanos and George Booskos (Gamanos & Booskos). Tried to the court and a jury. Verdict of guilty as to second count of information, charging misbranding. Fine, $150. First count of information, charging adulteration, dismissed. (F. & D. No. 9353. I. S. No. 2010-p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against Nicholas Gamanos and George Booskos, co-partners, trading as Gamanos & Booskos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on February 11, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Extra Pure Olive Oil," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed a positive test for corn oil with nitric acid, and an iodin number of 122.5, indicating that the article was practically all corn oil.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Extra Pure Olive Oil," "Guaranteed Absolutely Pure," and "Termini Imerese Brand Sicily Italy," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article was pure olive oil, and that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of corn oil, and was not a foreign product, to wit, olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America. Misbranding of the article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy, and for the further reason that it was a mixture composed in part of corn oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the statements borne on the cans purported that the article was a foreign product, when not so.

On June 16, 1919, the case having come on to be heard before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Knox, *D. J.*):

Gentlemen of the jury, I will submit to you in this prosecution the charge the government has made against the partnership of Gamanos & Booskos in the second count of the information which has been filed against them, which charge is that this firm in February of 1918, to wit, on the 11th day of February, shipped in interstate commerce an article of food which was misbranded within the meaning of the Pure Food Law of the United States.

Counsel this morning in summing up to you said that if this shipment had been to Brooklyn there would have been no offence here, but that it being to Connecticut, there is an offence. If the defendant here, the copartnership, has violated good morals, it would violate them none the less if the shipment was to Brooklyn; but the fact is that the United States court has jurisdiction only of cases of this character where interstate commerce is involved; that, under the constitution of the United States, Congress has a right to regulate commerce between the states; so that on a shipment to Brooklyn, that being within the state of New York, the Federal Government must leave the matter to the authorities of the state of New York, it being powerless to act in the case by reason of the sovereignty of the state; but where the shipment crosses a state line, then the government has jurisdiction. I simply mention this to you to make it clear to you as to why there should be a distinction by reason of what the district attorney said to you this morning.

Congress has enacted, in an endeavor to protect the public, the various pure food laws, and it has said that when a man engages in shipping food products or food to be consumed by the general public, those food products must be honestly labeled and branded, because the only thing you and I have to go

by when we enter a store is the brand and the representation that is made to us through the labels upon that which we purchase. That is, if I go into a store and want olive oil for my table, I have a right to secure olive oil and not be misled by getting an inferior product and something that is not olive oil.

Of course, it is pretty obvious to us, from our general knowledge, in a case of this character, that olive oil being a foreign product which has been brought over here from Italy or paid a duty, perhaps, and entering into the trade here, must of necessity be of greater value than is corn oil, of which great quantities may be produced in the United States. Consequently it is said that if anyone misbrands and labels a food product in such a manner as to deceive or calculated to deceive the public as to what that food product actually is, the person or persons doing that thing are guilty of an offense under the law, and upon conviction are subjected to a certain punishment. So consequently the case resolves itself into this, as to whether or not this firm did, on the 21st day of February, ship, as has been charged against them, these articles, to wit, six gallon cans of oil labeled and marked so as to deceive the public. You will look at the can, you will see upon it there that it purports to contain olive oil which has come from Sicily; there is a picture of an olive tree with peasants or natives picking olives; and that it is absolutely pure. And you can say what thought or impression is that going to make upon the mind of the purchaser who wants olive oil and sees it? Is that person going to be deceived as to what is in that can?

It has been testified before you here, and indeed it is not disputed, the actual contents of the can was corn oil which had been flavored with olive oil; that it had present in it more than 50 per cent, indeed, I think perhaps 75 per cent of the contents of the can was corn oil and not olive oil. Standing alone, if you have found those facts which are not disputed to be true, you would be justified in returning a verdict of guilty against the defendant copartnership.

The copartnership, however, defends upon the ground that it is said they pasted upon this can several labels, one of which has been introduced into evidence before you, wherein it indicates that this can did not contain pure olive oil, but that it contained a compound, that is a mixture of olive oil and of some other oil—corn oil; and they seek to escape liability upon the ground that they have done all that is legally required of them to take them outside of the provisions of the law under which this information has been filed against them. And the law with respect to that is: That in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, then they are not guilty of an offense. But you will recall the testimony here that when the inspector saw these cans in the place of business of the merchant up in Connecticut, there were no tags upon the cans; and consequently the question arises as to whether or not those tags were on the cans at the time they were shipped; and even if you should find that the tags or these labels were upon the cans, were those labels honestly put there so as to inform the purchaser of that can as to the actual contents of the can, or were they put there as a mere subterfuge and a device, so that whoever got them, that they might use that as a stepping stone to safety in case the shipment was discovered. And even if they were put there, was that tag or label of such a character as to plainly indicate to the purchaser, that that can contained a blend? Now those are questions for your determintion. It has been suggested to you that that label might easily be rubbed off; consequently in the first place you will determine whether or not it was put there, and if it was put there, was it put there for the purpose of being rubbed off so that the purchaser would never have any idea as to what the true contents of the can were, save as to the lithographed matter contained upon the can, and that is that it shows that this was olive oil or purported to show that the contents of the can was olive oil from Sicily.

You can also consider in the event that you find that the tags were placed upon the can, as to how conspicuous or effective they would have been to serve the purposes of the law; and, in short, whether it was an honest compliance with the law or whether as I have said before it was a mere subterfuge.

The mere fact that one of these partners was down in Camp Gordon does not make it impossible for you to return a verdict of guilty against the partnership here, because during the time he was away from the place of business they are charged with doing business under the name of Gamanos & Booskos. If you find that the firm made the shipment, then it is immaterial

whether either of these gentlemen who are here in court as members of the firm were present at that time or not, because the theory of the law is that this partnership constituted a separate entity differing from either of these parties. And as you men know, in your every day business affairs a partnership does acts every day in which neither of the partners have any actual positive personal knowledge at the time the act was done, and the theory of the law is that this being a separate entity, it can act in and of itself, and that the individuals who go to make up the partnership cannot take advantage of what someone in their employ does, and then come into court and escape liability for what may have been done. That is, if you or I set in motion a chain of circumstances, it is incumbent upon us, in good conscience and good law, that we should know what is being done under our authority; and if we do not do that either through negligence, carelessness or what not, then when the law is violated we should not say we would not be hurt upon the ground that we were not there and had no actual knowledge of what transpired. It would be an easy thing for persons to escape liability on such a pretense as that, if clerks were pursuing a certain line of business and then the proprietor of that business would say, "I was absent when this particular shipment went forth; I am not responsible for that."

It is a simple case in the sense that the amount involved is comparatively little, but nevertheless it is important in that we should have the assurance that so far as the law is concerned, we are going to get that which we think we are getting when we go into a store to purchase it.

Now that is a simple proposition as to whether or not these men have done something or this firm has done something that is calculated to deceive, and to create a misapprehension and misconception in the minds of some one who wants to buy that product. It must be inferred that these men or this copartnership which is manufacturing food products have some idea that somebody is going to buy it, and they are bound to take cognizance of the provisions of the law with respect thereto.

This defendant, the copartnership, is entitled, of course, to the presumption of innocence until the evidence adduced upon the trial convinces you beyond a reasonable doubt that it is not guilty of the offense charged against them. And a reasonable doubt is not a capricious doubt, not a fancied doubt, not a doubt based upon the reluctance upon the part of a jury to perform an unpleasant task, but it is a doubt based upon and growing out of the evidence in the case and such as leaves you short of a moral certainty of the defendant's guilt. If, after an impartial consideration of all the evidence in the case, you do not have an abiding conviction of the defendant's guilt as charged in the information, then you have a reasonable doubt, and it would be your duty to acquit. But if, after such impartial consideration of all the evidence in the case, you do have an abiding conviction of the defendant's guilt, such as you would be willing to act upon in the more important affairs in your own life, that is, that certainty which would cause you to pursue a certain line of conduct, then you have no reasonable doubt with respect to the defendant's guilt and you should return a verdict of guilty. Gentlemen, you may take the case.

JUROR No. 2. May I ask a question?

THE COURT. Yes.

JUROR No. 2. What is the punishment in case of conviction?

THE COURT. The punishment in the case of conviction of a first offense is a fine.

Mr. WELCH. If your honor please, will you entertain these instructions to charge the jury?

THE COURT. Yes.

Mr. WELCH. I ask your honor to charge the jury first: That a firm or partnership is not a "person" within the meaning of the word as used in the act under which the information is laid.

THE COURT. I decline to so charge.

Mr. WELCH. I ask your honor to charge the jury that the defendant Nicholas Gamanos did not ship or deliver for shipment this particular lot of goods, and that if he did not do it himself in fact and had no knowledge of it and neither instructed, ratified, or stood by and saw any of his agents or employees do it, that it was not his act.

THE COURT. I decline to so charge.

Mr. WELCH. I ask your honor to charge the jury that the law does not require any particular form of label or container.

THE COURT. No; that is entirely a question or a matter of evidence as to the good faith there and whether or not the label is calculated to deceive or not.

Mr. WELCH. I ask your honor to charge the jury that they are only to consider the condition of the container when shipped, and that anything which happens afterwards is of no moment.

THE COURT. They will take into consideration all the evidence in the case and give to it such weight as they think it is fairly entitled to receive.

Mr. WELCH. I ask your honor to charge the jury that under the law it is no offense if the container bears a label which plainly states that it is a corn oil.

THE COURT. I have charged the jury on that point. You may retire, gentlemen.

Mr. WELCH. And I take an exception to your honor's refusal to charge.

The jury thereupon retired, and after due deliberation returned a verdict of guilty as to the charge of misbranding, and the court imposed a fine of $150. Count one of the information charging adulteration of the article was dismissed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6894. Adulteration and misbranding of olive oil. U. S. * * * v. Vincenzo Licata. Plea of guilty. Fine, $50. (F. & D. No. 9354. I. S. Nos. 1552–p, 1553–p.)

On January 16, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vincenzo Licata, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on April 23, 1918, from the State of New York into the State of Pennsylvania, of quantities of olive oil, the two brands shipped being labeled differently, which was adulterated and misbranded. The article was labeled in part, "Finest Quality Olive Oil Extra Pure" and "1 Gallon Net," or "Olio Puro D'Oliva" and "Full Gallon."

Examination of samples of the article by the Bureau of Chemistry of this department showed the product to consist essentially of cottonseed oil and to be short volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure," "Termini Imerese Sicilia-Italia," "Guaranteed Absolutely Pure," and "1 Gallon Net," or "Olio Puro D'Oliva Lucca Italy," "Olio Puro D'Oliva Garantito Produzione Propria," and "Net Contents Full Gallon," borne on the cans containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily or Lucca, as the case might be, in the kingdom of Italy, and that each of said cans contained one gallon net, or one full gallon, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily or Lucca, in the kingdom of Italy, and that each of said cans contained one gallon net, or one full gallon of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil; said article was not a foreign product, to wit, an olive oil produced in Sicily or Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced

in the United States of America, and each of said cans did not contain one gallon net, or one full gallon of the article, but did contain a less amount. Misbranding of the article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the aforesaid statements borne on the cans purported that the article was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 22, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6895. Adulteration and misbranding of olive oil. U. S. * * * v. Harry Arony and George Papitsas (Arony & Papitsas). Pleas of guilty. Fine, $60. (F. & D. No. 9355. I. S. No. 3397-p.)

On January 16, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Arony and George Papitsas, trading as Arony & Papitsas, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 18, 1918, from the State of New York into the State of New Jersey, of a quantity of an article, labeled in part "Finest Quality Olive Oil Extra Pure * * * 1 Gallon Net," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product consisted of practically all cottonseed oil and was also short volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil, Extra Pure, Tipo Termini Imerese Italy, Sicilia-Italia, Guaranteed Absolutely Pure," and "1 Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of the said cans contained one gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but it was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one gallon net of the article, but contained a less amount. Misbranding of the

article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America and branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that the statements aforesaid, borne on the cans, purported that the article was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 29, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $60.

C. F. Marvin, *Acting Secretary of Agriculture.*

6896. Adulteration and misbranding of vinegar. U. S. * * * v. J. W. Oelerich & Son, a corporation. Plea of guilty. Fine, $10. (F. & D. No. 9357. I. S. No. 7136-p.)

On January 22, 1919, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. W. Oelerich & Son, a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 9, 1918, from the State of New York into the State of Georgia, of a quantity of an article, labeled in part "Distilled Spirit Vinegar Contents One Pint," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Acidity, as acetic (grams per 100 cc.)	2.01
Alcohol (per cent by volume)	.34
Solids (gram per 100 cc.)	.08
Contents (fluid ounces)	15.73
Shortage (per cent)	1.6

Adulteration of the article was alleged in the information for the reason that an excessive amount of water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding of the article was alleged for the reason that the statement, to wit, "Distilled Spirit Vinegar," borne on the label attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was distilled spirit vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was distilled spirit vinegar, whereas, in truth and in fact, it was not distilled spirit vinegar, but was a product consisting of, to wit, distilled spirit vinegar and added water. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 25, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

6897. Misbranding of McDowell ginseng bitters. U. S. * * * v. Douglas E. McDowell (McDowell Ginseng Garden). Plea of guilty. Fine, $20 and costs. (F. & D. No. 9359. I. S. No. 8933-p.)

On January 15, 1919, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Douglas E. McDowell, trading as McDowell Ginseng Garden, Joplin, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 17, 1917, from the State of Missouri into the State of Kansas, of a quantity of an article labeled in part, "McDowell Ginseng Bitters."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a slightly acid solution of plant extract containing small quantities of glycerin and zinc salt.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it to be effective as a remedy, treatment, and cure for all stomach troubles, except cancer; and effective as a remedy, treatment, and cure for dyspepsia, gastritis, indigestion, and all other diseases of the stomach, all intestinal disorders, constipation, diarrhea, cholera infantum, and acute dysentery, congestion of the liver, and all similar diseases; all female disorders and as a general sexual tonic for men and women, when, in truth and in fact, it was not.

On June 9, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6898. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 999 Cases of Canned Tomatoes. Product ordered released on bond. (F. & D. No. 9368. I. S. No. 6660-r. S. No. C-979.)

On September 28, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 999 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about September 6, 1918, by the Sunbright Canning Co., Dickson, Tenn., and transported from the State of Tennessee into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Red Rose Brand Tomatoes."

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement on the label, to wit, "Tomatoes," was false and misleading in that it purported to be a product known as tomatoes, when, in truth and in fact, it contained tomatoes mixed with water, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, tomatoes.

On December 9, 1918, the said Sunbright Canning Co., claimant, having filed a claim, it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution

of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled with the statement, to wit, "Contains 20% Added Water."

C. F. Marvin, *Acting Secretary of Agriculture.*

6899. Adulteration of eggs. U. S. * * * v. 15 Cases of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold, unfit portion ordered destroyed. (F. & D. No. 9371. I. S. No. 5665-r. S. No. C-976.)

On September 10, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of eggs, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about August 30, 1918, by C. J. Dregne, Ladysmith, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On October 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the good portion should be sold, and that the unfit portion should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6900. Misbranding of Anticalculina Ebrey. U. S. * * * v. Ebrey Chemical Works, a corporation. Plea of nolo contendere. Fine, $50 and costs. (F. & D. No. 9372. I. S. No. 6449-p.)

On March 20, 1919, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ebrey Chemical Works, a corporation doing business at Humacao, Porto Rico, alleging the sale and offer for sale by said company, in violation of the Food and Drugs Act, as amended, on or about July 27, 1917, in Porto Rico, of a quantity of an article, labeled in part "Anticalculina Ebrey," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of colchicine, ammonium salts, and vegetable extractives, alcohol (28.8 per cent by volume), and water.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a remedy, treatment, and cure in the dissolving of calculi, renal and biliary; to purify the blood and drive the poisons which cause the disease out of the system; as a remedy, treatment, and cure for diseases of the liver, kidneys, and bladder; for all the diseases recognized as caused by accumulations of uric acid in the blood; to dissolve uric acid and eliminate it from the blood, maintaining the liver, kidneys, and bladder healthy, active, and in their natural states; a remedy, treatment, and cure for Bright's disease, diabetes, rheumatism, kidney disease, biliousness, jaundice, and dropsy; as a special specific for diseases of the kidneys; as a remedy, treatment, and cure for sediment in the urine, necessity of arising at night to urinate, pains in the back, brown sacs under the eyes, yellowing of the whites of the eyes, rheumatic pains, itching extremities, frequent desire to urinate, scant urine and high color and abundant urine of

a clear color, passing of urine drop by drop, obstruction in the urinary channels, stricture, and pains in urinating, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements borne on the circular accompanying the article falsely and fraudulently represented it as a remedy, treatment, and cure for torpid liver, enlargement of the liver, acidity of the stomach, heaviness after meals, bad digestion, dyspepsia, insomnia, la grippe, debility, nervousness, blood and mucus in the urine, pain in the urethra, lumbago, catarrh of the bladder and intestines, ulcers in the bladder, pain in the joints or hips, loss of flesh, pains in the region of the liver, impurities of the blood, the necessity of making effort to urinate, retention of urine, cystitis or inflammation of the bladder, gravel, sudden obstruction of the urinary tract, urinary disturbances, hemorrhages of the kidneys, pain in the kidneys, eruptions of the skin, blotches, herpes, darkness and peeling of the skin similar to eczema, partial or complete blindness, paralysis, attacks of the heart, and obscuring of the intelligence; to strengthen and carry vitality to the kidneys and liver, to put an end to the cause of calculous formation; as a specific for the radical cure of calculous affections and to prevent recurrences of the disease, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "This bottle contains about * * * alcohol * * * 33⅓ per cent by volume * * *," borne on the carton containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the bottle contained 33⅓ per cent of alcohol by volume, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 28.8 per cent of alcohol by volume; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was produced in the Territory of Porto Rico, and was labeled as manufactured and produced in the United States of America.

On March 31, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

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** Cases containing decisions of the courts or instructions to juries.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY,

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6901–6950.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 3, 1920.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6901. Adulteration of eggs. U. S. * * * v. 4 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9392. I. S. No. 5910–r. S. No. C–982.)

On September 25, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of eggs, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about September 24, 1918, by the A. Amber Produce Co., Kansas City, Kans., and transported from the State of Kansas into the State of Missouri, charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of decomposed animal substance.

On November 21, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6902. Adulteration of gelatin. U. S. * * * v. 2 Barrels, More or Less, of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9393. I. S. No. 5510–r. S. No. C–990.)

On October 14, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels, more or less, of gelatin, remaining unsold in the original unbroken

packages at Minneapolis, Minn., alleging that the article had been shipped on or about September 2, 1918, by Brown, Young & Co., Weehawken, N. J., and transported from the State of New Jersey into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that glue had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, zinc, which might render the article injurious to health.

On November 18, 1918, C. B. Hewitt & Brothers, Inc., Minneapolis, Minn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $200, conditioned in part that the product should not be sold or otherwise disposed of for human consumption.

C. F. Marvin, *Acting Secretary of Agriculture.*

6903. Adulteration of corn flour. U. S. * * * v. 260 Sacks of Corn Flour. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9395. I. S. No. 16109–r. S. No. E–1139.)

On October 14, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 260 sacks of corn flour, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about August 20, 1918, by the Mountain City Mills, Chattanooga, Tenn., and transported from the State of Tennessee into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal and vegetable substance, said product being badly infested with weevils and in a sour and molded condition.

On October 19, 1918, H. R. Alexander, trading as the Alexander Grocery Co., Savannah, Ga., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $550, in conformity with section 10 of the act, conditioned in part that the product should not be disposed of for human food.

C. F. Marvin, *Acting Secretary of Agriculture.*

6904. Adulteration and misbranding of soluble saccharin. U. S. * * * v. 2 5-Pound Cans of Alleged Saccharin * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9400. I. S. No. 5126–r. S. No. W–249.)

On October 19, 1918, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 5-pound cans of alleged saccharin, consigned by W. B. Wood Mfg. Co., St. Louis, Mo., remaining unsold in the original unbroken packages at Butte, Mont., alleging that the article had been shipped on August 23, 1918, and transported from the State of Missouri into the State of Montana, and charging adulteration and misbranding in violation of the Food and Drugs

Act. The article was labeled in part, "Soluble Saccharin," and consisted of about half sugar and a little corn starch.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and the standard of strength, quality, or purity was not plainly stated upon the container thereof, and further in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was alleged for the reason that the statement, to wit, "Soluble Saccharin," borne on the label, was false and misleading in that it was an imitation of, and was offered for sale under the name of, another article.

On November 15, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6905. Misbranding of Pratt's Hog Cholera Specific. U. S. * * * v. 22 2-Pound Packages of Hog Cholera Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9402. I. S. No. 5511-r. S. No. C-991.)

On October 21, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 2-pound packages of hog cholera cure, remaining unsold in the original unbroken packages at Brainerd, Minn., consigned on or about February 4, 1918, alleging that the article had been shipped by the Pratt Food Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pratt's Hog Cholera Specific * * * Disease Eradicator * * * Blood Purifier * * * For Hog Cholera and Other Hog Diseases."

Misbranding of the article was alleged for the reason that it contained no ingredient or combination of ingredients capable of producing the following curative and therapeutic effects claimed for it: Effective as a remedy, treatment, cure, or specific for hog cholera; to prevent hog cholera; as a remedy, treatment, cure, or specific for the diseases peculiar to hogs; to prevent diseases of hogs; as a blood purifier or disease eradicator in hogs; as a remedy, treatment, cure, or specific for thumps, diphtheria, scours, catarrh, rheumatism, or apoplexy in hogs; that the above statements were false and fraudulent.

On January 22, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6906. Adulteration of herring. U. S. * * * v. 747 Pails * * * of Hately Brand Norway Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9404. I. S. Nos. 17608-r, 17612-r. S. No. E-1141.)

On October 22, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 747 6-pound pails of Hately brand Norway herring, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about July 27, 1918, by Hately Bros. Co., Chicago, Ill., and transported from the State of Illinois into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid animal substance, to wit, decomposed herring.

On November 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6907. Adulteration of prunes. U. S. * * * v. 300 Boxes of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9405. I. S. No. 11277–r. S. No. C–998.)

On October 18, 1918, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 boxes, each containing 50 pounds of prunes, remaining unsold in the original unbroken packages at Lincoln, Nebr., alleging that the article had been shipped on or about January 29, 1918, by E. L. Robertson, Banning, Cal., and transported from the State of California into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On December 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6908. Misbranding of A Texas Wonder Hall's Great Discovery. U. S. * * * v. 138 Bottles of A Texas Wonder Hall's Great Discovery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9406. I. S. No. 5988–r. S. No. C–997.)

On October 23, 1918, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 138 bottles of A Texas Wonder Hall's Great Discovery, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on or about October 7, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On carton) "A Texas Wonder. Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism. Dissolves Gravel, Regulates Bladder Trouble in Children. One small bottle is two months' treatment." (On circular) "* * * For stone in the kidneys * * * Tuberculosis of the kidneys."

Misbranding of the article was alleged for the reason that the statements above set forth, borne on the cartons and circulars, were false and fraudulent in that the product contained no ingredient or combination of ingredients

capable of producing the therapeutic effects claimed for it on the carton and circular.

On March 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6909. Adulteration and misbranding of apple butter. U. S. * * * v. 37 Cases of So-called Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9412. I. S. No. 6161–r. S. No. C–1001.)

On October 26, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 cases, each containing 3 dozen jars of so-called apple butter, remaining unsold in the original unbroken packages at Galena, Kan., alleging that the article had been shipped on or about December 18, 1917, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Dawson's Brand * * * Pure Apple Butter. Made by Dawson Bros. Mfg. Co. Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance so packed and mixed with the product as to injure, lower, and affect its quality, purity, and strength.

Misbranding of the article was alleged for the reason that the brand or label borne on the jars was misleading and deceptive, and calculated to induce the purchaser to believe the article to be pure, whereas, in truth and fact, it was not.

On May 23, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6910. Misbranding of Milks Emulsion. U. S. * * * v. 30 Cases of Milks Emulsion. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7242. I. S. No. 12431–l. S. No. C–459.)

On March 9, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases, each containing 24 bottles of Milks Emulsion, at Chicago, Ill., alleging that the article had been shipped on February 12, 1916, by the Milks Emulsion Co., Terre Haute, Ind., and transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "A Valuable Remedy for Incipient Consumption," "Milks Emulsion Nature's Remedy Is Very Beneficial in Incipient Consumption," "Milks Emulsion Nature's Remedy Is Especially Beneficial in the Ills of Children."

Analysis of a sample of the product by the Bureau Chemistry of this department showed that it consisted essentially of petrolatum sweetened with sirup and flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, regarding the curative or therapeutic effects thereof, appearing on the cartons, were false and fraudulent in that they were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of, or contained ingredients or medicinal agents effective, among other things, as a remedy for incipient consumption, and very beneficial in incipient consumption, and especially beneficial in the ills of children, when, in truth and in fact, it was not.

On July 2, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6911. Adulteration of milk. U. S. * * * v. William C. Waterman. Plea of guilty. Fine, $25 and costs. (F. & D. No. 8565. I. S. Nos. 230–l, 5208–l, 362–m, 617–m, 2229–p.)

On January 14, 1919, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William C. Waterman, Claremont, N. H., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 27, 1916, June 28, 1916, September 18 and 19, 1916, and August 13, 1917, from the State of New Hampshire into the State of Massachusetts, of quantities of milk which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

ORGANISMS PER CC. DEVELOPING ON PLAIN AGAR AFTER 2 DAYS AT 37° C.

Shipment of—

June 27, 1916		1,900,000
June 28, 1916		5,500,000
Sept. 18, 1916	Sample A	1,640,000
	Sample B	6,700,000
Sept. 19, 1916		1,050,000

ORGANISMS PER CC., BREED MICROSCOPIC COUNT.

Shipment of—

Aug. 13, 1917	Sample A	2,100,000
	Sample B	2,300,000

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 11, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6912. Adulteration and misbranding of vanilla extract. U. S. * * * v. Pabst Pure Extract Co., Inc., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 8706. I. S. No. 2430–m.)

On April 30, 1918, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against the Pabst Pure Extract Co., Inc., a corporation, Harrisonburg, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 25, 1917, from the State of Virginia into the State of North Carolina, of a quantity of an article, labeled in part "Pabst's Pure Vanilla * * * Extract * * * Manufactured and Guaranteed by Pabst Pure Extract Co., Inc., Harrisonburg, Va.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ethyl alcohol (per cent by volume)	22.14
Solids (per cent by weight)	23.43
Sucrose (per cent by weight)	20.72
Reducing sugar (per cent by weight)	1.75
Nonsugar solids (per cent by weight)	0.96
Ash (per cent by weight)	0.22
Vanillin (per cent by weight)	1.12
Lead number	0.34

This analysis indicates that the extract had been diluted with water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for pure vanilla extract, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure Vanilla * * * Extract," borne on the label of the bottles containing the article, regarding it and substances contained therein, was false and misleading in that it represented that the article was pure vanilla extract, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure vanilla extract, whereas, in truth and in fact, it was not pure vanilla extract, but was a product composed in part of added water.

On February 10, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6913. Adulteration of milk. U. S. * * * v. H. P. Hood & Sons, a corporation. Plea of nolo contendere. Fine, $500. (F. & D. No. 8711. I. S. Nos. 114-m, 471-m, 472-m, 474-m, 909-m, 2236-p.)

On July 17, 1918, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. P. Hood & Sons, a corporation, doing business at East Fairfield, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 18, 1916, July 19, 1916, August 21, 1916, August 22, 1916, August 23, 1916, and August 16, 1917, from the State of Vermont into the State of Massachusetts, of quantities of milk which was adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed organisms per cc. developing on plain agar after 2 days at 37° C. as follows:

Sample No.	Shipment of July 18, 1916.	Shipment of July 19, 1916.	Shipment of Aug. 21, 1916.	Shipment of Aug. 22, 1916.	Shipment of Aug. 23, 1916.	Shipment of Aug. 16, 1917.
A	13,000,000	1,000,000	30,000	80,000,000	1,250,000	1,900,000
B	4,600,000	300,000	20,850,000	55,000,000	1,550,000	2,400,000
C	2,400,000	300,000	420,000	25,750,000	151,500,000	1,030,000
D	7,400,000	1,000,000	80,000	43,000,000	1,350,000	34,000,000
E	5,400,000	600,000	15,100,000	15,550,000	3,400,000	4,600,000
F	2,550,000	100,000	11,550,000	169,500,000	9,050,000	1,100,000
G	3,500,000	600,000	17,450,000	3,200,000	18,600,000	2,500,000
H	2,200,000	500,000	14,200,000	1,715,000	36,000,000	1,400,000
I	9,450,000	800,000	39,250,000	3,950,000	77,500,000	28,000,000
J	10,000,000	2,900,000	54,500,000	19,150,000	4,700,000	4,200,000
K	11,000,000	6,000,000	.....	.....	.....	7,600,000
L	10,000,000	3,500,000	.....	.....	.....	19,000,000
M	9,000,000	1,100,000	.....	.....	.....	1,200,000
N	10,000,000	500,000	.....	.....	.....	600,000
O	10,000,000	900,000	.....	.....	.....	2,200,000
P	6,000,000	2,400,000	.....	.....	.....	.....
Q	4,500,000	2,300,000	.....	.....	.....	.....
R	12,000,000	1,600,000	.....	.....	.....	.....

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 9, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $500.

C. F. Marvin, *Acting Secretary of Agriculture.*

6914. Adulteration and misbranding of condensed milk. U. S. * * * v. 1,000 Cases * * * of Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8837. I. S. No. 1355-p. S. No. E-984.)

On February 28, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, each containing 48 cans of condensed milk, consigned on November 14, 1917, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by T. M. Stevens, Amity, Ore., and transported from the State of Oregon into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Holly Unsweetened Condensed Milk Manufactured by Holly Milk & Cereal Co. Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that a partially condensed milk had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, condensed milk, and for the further reason that the statement, to wit, "Condensed Milk," was false and misleading, and deceived and misled the purchaser into the belief that it was condensed milk, whereas examination showed that it was partially condensed milk.

On October 3, 1918, Austin, Nichols & Co., a corporation, Brooklyn, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should

be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6915. Adulteration and misbranding of evaporated milk. U. S. * * * v. Van Camp Packing Co., a corporation. Plea of nolo contendere. Fine, $150 and costs. (F. & D. No. 8966. I. S. Nos. 2070–m, 2071–m, 2072–m, 11397–m.)

On May 20, 1919, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Van Camp Packing Co., a corporation doing business at Watertown, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 2, 1917, April 23, 1917, and February 22, 1917, from the State of Wisconsin into the States of New Jersey, New York, and Ohio, respectively, of quantities of an article, labeled in part "Van Camp's Sterilized Evaporated Milk Uncolored Unsweetened * * * The Van Camp Packing Co., Indianapolis, Ind.", which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Determination.	Shipment of Apr. 2.		Shipment of Apr. 23.	Shipment of Feb. 22.
	1-pound size.	6-ounce size.		
Fat, by Roese-Gottlieb (per cent).....	7.60	7.51	7.57	7.41
Total solids, by drying (per cent).....	26.45	26.54	26.38	26.14

Adulteration of the article in each shipment was alleged in the information for the reason that an insufficiently condensed milk product, low in fat, had been substituted in whole or in part for evaporated milk, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Evaporated Milk," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was evaporated milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was evaporated milk, whereas, in truth and in fact, it was not, but was an insufficiently condensed milk product, low in fat.

On August 12, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $150 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6916. Adulteration of catsup. U. S. * * * v. 188 Cases, 56 Cases, 524 Cases, and 57 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 9038, 9041. I. S. No. 16737–p. S. No. W–225.)

On May 28, 1918, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 188 cases, 56 cases, 524 cases, and 57 cases of tomato catsup, consigned by the Van Alen Corporation, Ogden, Utah, remaining unsold in the original unbroken packages at Spokane, Wash., alleging that the

article had been shipped on or about October 25, 1917, and transported from the State of Utah into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Banner Brand Catsup Fancy Packed by the Van Alen Corporation, Ogden, Utah."

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in part of a decomposed vegetable substance.

On June 28, 1919, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6917. Adulteration and misbranding of olive oil. U. S. * * * v. 125 Gallons and 23 Gallons of Olive Oil (so called). Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 9272, 9273. I. S. Nos. 13718-r, 13719-r. S. Nos. E-1094, 1095.)

On August 26, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 125 gallons and 23 gallons of olive oil, so called, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the 125 gallons had been shipped on or about April 23, 1918, by N. S. Monahos, New York, N. Y., and the 23 gallons on or about August 14, 1918, by N. P. Economou & Theodos, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The 125 gallons were labeled in part, "Olio Sopraffino Qualita Superiore Olio Finissimo Olive Oil," and the 23 gallons, in part, "Olio Sopraffino Qualita Superiore Olio Finissimo Cotton Seed and Olive Oil A Compound."

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed therewith cottonseed oil, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted almost wholly for the product purporting to be olive oil.

Misbranding of the 125 gallons was alleged for the reason that the labels bore certain statements regarding the article which were false and misleading, that is to say, the labels bore the statement, to wit, "Olive Oil," which statement and words were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was not, but was a product of domestic manufacture packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil.

Misbranding of the 23 gallons was alleged for the reason that the labels bore statements regarding the article which were false and misleading, that is to say, the statements borne on the labels, to wit, "Olio Sopraffino Qualita Superiore, Olio Finissimo, Olive Oil Compound," which statements and words were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not, and the impression which said statements and words created was not corrected by the words, "Cottonseed and," which appeared in inconspicuous type after the word "Finissimo" and before the word "Olive," and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was not, but was a product of domestic manufacture packed in the United States. Misbranding of the 125 gallons and the 23 gallons was alleged for the further

reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On December 5, 1918, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6918. Alleged adulteration of catsup. U. S. * * * v. 1,038 Cases of Tabasco Flavor Catsup. Tried to the court and a jury. Verdict for claimant. Product ordered released. (F. & D. Nos. 9414, 9415, 9416. I. S. Nos. 6391-r, 6393-r, 6394-r. S. No. C-1002.)

On October 26, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,038 cases of tabasco flavor catsup, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about September 10, 1918, by the Brooks Tomato Products Co., Collinsville, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On February 22, 1918, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Pollock, *D. J.*):

I want to commend you gentlemen for the attention you have paid to this case—I might say with the patience and interest you have listened to this trial. Let me say to you again, I cannot impress too strongly the matter on your minds that the Department of Justice, where matters are tried as this matter is tried, the responsibility for the proper administration of justice is equally divided between your body and the court. Courts are mere instruments created by the law for the purpose of doing justice. Under the law we are appointed—by its responsibility. The nature of the service that is to be performed, under the law, by your body and this court, is not the same. You know you can follow the law as prepared for you. It is presumed that the court is more familiar—as he should be from long experience with the law—than the jury who have made some other pursuit in life their life's thought, and for the reason that if any mistake is made in any matter of law, that is a mistake of the court for which the jury is in nowise to blame. On the other hand, the jury—and the jury alone—is the exclusive judge of the weight of the evidence, the credibility of the witnesses, and the facts, just as the jury must come into court to correctly and honestly bear the brunt; just so, the court must instruct the jury to honestly and firmly find the facts in the trial of the case and to enlighten them in the law with the facts just found. Now, to proceed to this present trial, in view of that idea, can we administer justice in any other proper form and with a determination to determine this matter precisely as it should be? Among other duties it is the duty of the court to define the issues in the case; that is, to state so clearly and precisely that the mind of no juror can possibly be mistaken as to the precise thing that is to be determined, and just as the court always desires a jury, where there are controversed questions of fact to be determined in any given case, just so this jury want to indulge and rely upon the court to tell them exactly what it is to determine, and the jury feel the need of that in this case, as you should in every case, and I am going to tell you.

The Government, in this case, comes into court, and through a representative, files a replevin in this case, in libel; that is to say, to have this court determine that this 1038 cases of tomato catsup made by the Brooks Tomato

Products Company of Collinsville, Ill., shipped in interstate commerce into this city—because it is only interstate commerce shipments that the United States has anything to say about—made in violation of the National Food and Drugs Act, and in violation of the sixth paragraph of section seven of that act, because adulterated within the meaning of that act; hence the Government seized this 1038 cases of tomato catsup, manufactured by this Brooks Tomato Products Company and their property until it became sold to another, in order to prevent it going to the trade, where it would be used. Now, the precise charge made in the complaint for libel is this: That for the purpose of this act, or article in the law—it says to be adulterated, in the case of food; then, paragraph 6—"If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is a part of a diseased animal, or one that has died otherwise than by slaughter." Now, the defendant in the case denies adulteration in the matter charged in this food product, tomato catsup, and thus the matter is fought. At the trial here the real contention and complaint of the Government is, not that there was, in the catsup that was said to be condemned, any putrid matter, because the word putrid, used in this section of the act, has application to animal matter, but it is that the tomatoes that were used by this company in the manufacture of this tomato catsup were decomposed, or rotten, in whole or in part, to such an extent as is violative of this section of the statute. There is no contention made here in this evidence that the plant, or, speaking plainer, this Tomato Products Company, was not kept in a reasonably cleanly condition, or that the vat or pipes through which this food product was passing while it was being manufactured were allowed to become filthy and dirty so as to injure the product in that way, but it is, as I understand the evidence adduced, solely and alone on the facts that there was used in the manufacture of this catsup rotten tomatoes to such an extent as to violate this provision of the act.

Now, gentlemen, that brings us, of necessity, to a determination of what the founders intended by the enaction of this provision. In certain other provisions there is used the term—for instance, in paragraph one of this section: "If any substance has been mixed and packed so as to reduce, lower, or injuriously affect its quality or strength." That is to say the law-making power laid down the test. In another provision, down here, the law-making power placed another test on the matter, that is, "If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health." So, if this were a proceeding under the fifth paragraph and the inquiry was as to whether there was an adulteration of something else, and in such a manner as to make it deleterious to health—you will notice that the paragraph which we are following lays down no test whatever. Now, let me read it again: "If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance." Now, the Congress, in section six, based a reasonable application of this section to the practical business affairs of life. In such a case the Congress intended that it should apply to the absolute term. For instance, supposing you were manufacturing pepper, and you would add to that pepper something that would not adhere to the pepper grain itself, this would be prohibitive; that is, Congress would make it prohibitive to add ground peas. And Congress assumed here that putrid animal flesh was not healthful and not good, so they prohibited it—the sale of putrid animal matter—and they also prohibited the use of decomposed vegetable matter in the manufacture of food products. Now, of course, if this catsup was manufactured altogether out of rotten tomatoes it would not be regarded as fit for human beings to consume. If it was some substance that was not inherent to the tomato itself it could be easily prohibited in that case, and the prohibition there be easy. But the word, packages, here, with which we are principally interested in this trial is in its everyday use, and not in the scientific sense. In the scientific sense wine or beer would be absolutely prohibited in this case; as you gentlemen all know the grain with which beer is made and the grapes with which wine is made are fermented.

Again there are lots of food products that the Congress—made out of partially decomposed vegetable matter, in some instances at least—that the Congress didn't intend to prohibit. Many of us like a dish called youget that has gone through a process of decomposition. Again, take an article like sauerkraut; there is a certain stage of decomposition reached in there that the Congress did not mean. Again, you take cheese. In the ripening process de-

composition has taken place, and the Congress did not mean to prohibit the manufacture of it, or sauerkraut. On the other hand, Congress did not intend to prohibit the manufacture of cider. While it says "in whole or in part decomposed," no man could engage in the manufacture of cider because you might possibly make a bottle of cider or a gallon of cider that no part of it has been decomposed, but you could not engage in the manufacture of cider, because to find perfect apples that are not in part decomposed would be absolutely prohibitive of the making of cider. So, if we had to make tomato catsup out of tomatoes which were not in part decomposed we could never make any tomato catsup, because it would be a matter of impossibility for anyone to engage in the manufacture of catsup, and there would be some decomposed tomato matter going into the product. The care with which you would have to conduct a business of that kind would absolutely prohibit the business. So, what the Congress meant—it meant this: that in the manufacture of tomato catsup, which is the subject of this, that the rule of reason should enter; that is to say, a factory that exercised a reasonable, prudent caution in collecting the tomatoes, and assorting those that went into the cylinder so as to cut out any, unreasonably so, of decomposed tomatoes—the manner of a reasonably prudent, careful, and intelligent man, engaging in his affairs, would do—that he be protected under the law, unless he became careless in his business and allowed rotten tomatoes to go in there in a manner that a reasonable, prudent man, making a product for consumption of his own, would not do.

The burden of proof is on the plaintiff in this case, gentlemen. It is admitted by the intervener that they did make and manufacture the product at their plant. The plaintiff in this case attempts to show that in the selection of the tomato from which this catsup was prepared, in this case, that the reasonable care and caution was not used, to keep out rotten tomatoes, that a man of ordinary care and prudence would use. If the Government has established that, you will then find that it is adulterated, and find for the plaintiff. If the Government has failed to establish that, you will find that it is not adulterated, and find for the claimant.

I have tried to bring the attention of the jury down to what I deem, under this law, a crucial test case, in so far as a substance that might result in adulteration of a food product from the very adherent food product itself. This is the first case that I have known to be tried under the law, and as the law-body has not laid down a test, then of necessity, the court must make a test, and it is one of the primary rules with all laws, that they must be free, so that is what I am giving you to determine the facts in this case. You, gentlemen, as I say, are the exclusive judges of the weight of the evidence, the credibility of the witnesses and the facts proven at the trial of this case. There have been certain requests in this case, to instruct to discharge. In so far as I have not given them, they will be treated as refused. It is a matter of considerable concern to the parties, and you will take it as such, and determine from the evidence in the case and the manner I have indicated, whether or not this food product is, or was, decomposed and filthy to an unreasonable extent, or to the extent that a reasonably prudent, cautious, and diligent business man in the manufacture of a product to be consumed by his family would not permit.

We have no general verdicts in a case of this kind. If you find for the plaintiff in this case you will sign the verdict as it is here prepared. In the event that you fail to find, by the greater weight of the evidence in the case that the Government has made out, you will add the word "not" and then sign your verdict.

Mr. WHEELER. I would like to have the jury instructed on account of the law of evidence, that this product described was moving in interstate commerce.

Mr. LACE. The court has already instructed as to that.

Mr. WHEELER. I wish to except to that part which deals with the rule of reason.

The COURT. That is, you contend that if there was in this tomato catsup any particle of decomposed matter it must be condemned?

Mr. CRONIN. We contend that if there is decomposed matter in the product it be condemned.

The COURT. Well, I will tell you, gentlemen of the jury, that it is impossible on this earth to manufacture any product from the tomato without some decomposition. If you arrive at your verdict before five o'clock I will receive it, but if you do not arrive at your verdict before five o'clock you will seal it and I will receive it in the morning, although it is a holiday.

Thereupon the jury retired, and after due deliberation returned a verdict finding the product not to have been adulterated.

On May 12, 1919, an order was entered for the release of the catsup to the claimant, in conformity with the verdict of the jury.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6919. Adulteration and misbranding of olives. U. S. * * * v. 1 Case * * * Supreme Quality Curtis California Ripe Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11664. I. S. No. 8542-r. S. No. C-1594.)

On November 21, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case, containing 1 dozen glass containers, of Supreme Quality Curtis California Ripe Olives, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about February 18, 1919, by the Curtis Olive Corporation, Long Beach, Cal., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled as follows: (On case) "Supreme Curtis Quality California Ripe Olives packed by The Curtis Corporation, Long Beach, California (Los. Ang. Harbor). Curtis Quality California Ripe Olives, 12-26 oz. Glass Supreme Quality Mammoth Size Olives." (On glass containers) "Supreme Curtis Quality Curtis Olive Corporation, Los Angeles, U. S. A. California Ripe Olives, Net Weight of fruit 16 oz., Avd. Mammoth Size." (On metal cap) "GX 2602."

Examination of samples of the article by the Bureau of Chemistry of this department showed that guinea pigs fed from three of the bottles died, indicating the presence of toxin due to decomposition of the product by bacteria, later identified as *Bacillus botulinus* Type A.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the labels upon the case and glass containers of the article bore the statement that said article was "Supreme Quality," which said statement was false and misleading in that the food product consisted in whole or in part of a decomposed and putrid vegetable substance.

On December 17, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6920. Adulteration and misbranding of evaporated milk. U. S. * * * v. 1,000 Cases of * * * Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9276. I. S. Nos. 6125-r, 6126-r. S. No. C-965.)

On or about August 30, 1918, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of evaporated milk, consigned by the Aviston Flour Co., New Orleans, La., remaining unsold in the original unbroken pack-

ages at Aviston, Ill., alleging that the article had been shipped on or about August 7, 1918, and transported from the State of Louisiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Our Best Brand Evaporated Milk, Aviston Condensed Milk Co., Aviston, Ill."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article was alleged in substance for the reason that the statement borne on the labels of the cans, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk.

On September 18, 1918, the case having been submitted on the libel and the answer and claim of the Aviston Condensed Milk Co., claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6921. Misbranding of table oil. U. S. * * * v. 264 Gallons of Table Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9282. I. S. No. 13720-r. S. No. E-1100.)

On September 9, 1918, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 264 gallons of table oil, remaining unsold in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped on or about July 17, 1918, by Crisafulli Bros., New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: (On cans) "Finest Quality Table Oil La Migliore Insuperabile Corn Salad Oil Compound with Extra Fine Olive Oil, Net Contents Half Gallon, Packed in U. S. A. La Migliore Brand." The cases were labeled in part, "Contains 24½ Gals." The phrase on cans, "Corn Salad Oil Compound with," was printed in inconspicuous type, the phrase "Extra Fine," in much larger type, and the phrase "Olive Oil," in still larger type. The cans were further labeled with a representation of an olive tree and branch with olives.

Misbranding of the article was alleged in the libel for the reason that the labels and representations and the printing of the phrases in different sizes of type, as more particularly set forth above, were false and misleading and were designed to deceive and mislead the purchaser by purporting and representing the said oil to be olive oil, when, in truth and in fact, it was not, but consisted almost entirely of corn oil. Misbranding of the article was alleged for the further reason that it was labeled "Net Contents Half Gallon," whereas, in truth and in fact, the net contents of the said cans was less than a half gallon. Misbranding of the article was alleged for the further reason that it was food in package form, and the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

On May 5, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the obliteration of the labels on the cans and cases in which the article was contained.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6922. Adulteration of sausage. U. S. * * * v. Charles H. Leavell and Fred A. Spicer (Joseph Phillips & Co.). Plea of nolo contendere. Fine, $200. (F. & D. No. 9317. I. S. Nos. 3336–p, 3352–p, 3353–p, 3358–p, 3359–p, 3360–p, 3365–p.)

On November 27, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Charles H. Leavell and Fred A. Spicer, copartners, trading as Joseph Phillips & Co., Washington, D. C., alleging that said defendants did offer for sale and sell, at the District aforesaid, in violation of the Food and Drugs Act, on February 2, 1918, a quantity of sausage, on February 6, 1918, quantities of smoked and green sausage, on February 11, 1918, a quantity of Frankfurter sausage, on February 13, 1918, quantities of Frankfurter and green link sausage, and on February 14, 1918, a quantity of smoked sausage, each of which was adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

Determination.	Sausage.	Smoked sausage.		Frankfurter sausage.		Green sausage.	Link sausage.
	Feb. 2, 1918.	Feb. 6, 1918.	Feb. 14, 1918.	Feb. 11, 1918.	Feb. 13, 1918.	Feb. 6, 1918.	Feb. 13, 1918.
Starch (per cent)	5.5	5.3	5.6	6.3	5.5	2.6	3.5
Cereal calculated from starch (per cent)	7.8	7.6	8.0	9.0	7.8	3.7	5.0
Water (per cent)	.....	.....	.....	.....	.....	70.1	67.7

Adulteration of the sausage, smoked sausage, and Frankfurter sausage was alleged in the information for the reason that a substance, to wit, a cereal product, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for sausage, or smoked sausage, or Frankfurter sausage, as the case might be, which the article purported to be, and for the further reason that it was a mixture composed in part of a cereal product prepared in imitation of sausage, or smoked sausage, or Frankfurter sausage, and said cereal product had been mixed therewith so as to simulate the appearance of sausage, or smoked sausage, or Frankfurter sausage, and in a manner whereby its inferiority to sausage, or smoked sausage, or Frankfurter sausage, was concealed.

Adulteration of the green sausage and green link sausage was alleged for the reason that a cereal product and added water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for green sausage or green link sausage, as the case might be, which the article purported to be, and for the further reason that it was a mixture composed in part of a cereal product and added water prepared in imitation of green sausage or green link sausage, and said cereal product and added water had been mixed therewith so as to simulate the appearance of green sausage or green link sausage, and in a

manner whereby its inferiority to green sausage or green link sausage was concealed.

On November 27, 1918, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of $200.

C. F. Marvin, *Acting Secretary of Agriculture.*

6923. Adulteration and misbranding of oil sweet birch. U. S. * * * v. 7 Cans * * * of Oil Sweet Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9367. I. S. No. 8628-p. S. No. C-978.)

On September 30, 1918, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cans, each containing 50 pounds of so-called oil of sweet birch, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped on July 29, 1918, by E. E. Dickinson & Co., Essex, Conn., and transported from the State of Connecticut into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The cases containing the cans were labeled "Oil Betula Lenta U. S. P.," and the product was invoiced as "Oil Sweet Birch."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and further in that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a certain chemical, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, and under the distinctive name of another article, and for the further reason that the name, "Oil Sweet Birch," used as a description of the article, was false and misleading. Misbranding of the article was alleged for the further reason that the quantity of the contents of said cans was not declared on the label.

On January 21, 1919, Edward E. Dickinson, claimant, Essex, Conn., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the article should be properly relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

6924. Adulteration of tomato catsup. U. S. * * * v. 1,650 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9411. I. S. No. 14313-r. S. No. E-1146.)

On October 25, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 1,650 cases, each containing 6 cans of tomato catsup, consigned on September 26, 1918, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the W. H. Dyer Co., Evansville, Ind., and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "W. H. Dyer's Own Pack Brand Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy decomposed vegetable substance.

On May 23, 1919, the said W. H. Dyer Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings, and the execution of a bond in the sum of $2000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6925. Adulteration and misbranding of olive oil. U. S. * * * v. 3 Cases * * * of Alleged Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9413. I. S. Nos. 2225–r, 2226–r. S. No. W–250.)

On October 28, 1918, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases, containing 48 cans of alleged olive oil, remaining unsold in the original unbroken packages at East San Pedro, Cal., alleging that the article had been shipped on or about May 31, 1918, by Henry M. Diny Co., New York, N. Y., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Olio Puro D'Oliva Lucca Italy" and "Finest Quality Olive Oil."

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for olive oil.

Misbranding of the article was alleged in substance for the reason that the cans containing it were labeled "Olio Puro D'Oliva Lucca Italy, Net Contents Full Gallon," and "Finest Quality Olive Oil Pure Termini Imerese Sicilia-Italia, Guaranteed Absolutely Pure, 1 Gallon Net," whereas, in truth and in fact, said cans did not contain "Olio Puro D'Oliva Lucca Italy," and "Finest Quality Olive Oil Pure Termini Imerese Sicilia-Italia," but contained a mixture of cottonseed oil and olive oil, and the said labeling and branding were calculated to mislead and deceive the purchasers thereof; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Olio Puro D'Oliva Lucca Italy," and "Finest Quality Olive Oil Pure Termini Imerese Sicilia-Italia," whereas, in truth and in fact, it was not as represented on the labels, but was a mixture of cottonseed oil and olive oil; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a local product; and for the further reason that the quantity of the contents of the cans was not correctly stated on said cans, in that the gallon cans were labeled "Net Contents Full Gallon," and the ½-gallon cans were labeled "Full Half Gallon," whereas, in truth and in fact, the gallon cans did not contain 1 full gallon, and the ½-gallon cans did not

contain 1 full half gallon; and for the further reason that it was food in package form, and the contents of the packages was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

On December 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6926. Adulteration of eggs. U. S. * * * v. 10 Cases of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed. (F. & D. No. 9419. I. S. Nos. 5663-r, 5664-r. S. No. C-974.)

On August 29, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on August 9, 1918, and August 13, 1918, by C. A. Victora, Scranton, N. D., and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed substance.

On October 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, it having been theretofore ordered by the court that the edible portion of the eggs should be sold, and the inedible portion destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6927. Adulteration and misbranding of saccharin. U. S. * * * v. 1 Can of Alleged Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9421. I. S. No. 6270-r. S. No. C-1005.)

On or about November 4, 1918, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can, containing 5 pounds of alleged saccharin, remaining unsold in the original unbroken package at Whitesboro, Tex., alleging that the article had been shipped on or about August 16, 1918, by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Saccharin * * * W. B. Wood Mfg. Co."

Adulteration of the article was alleged in the libel for the reason that it consisted of saccharin and 47.6 per cent of sugar product, and was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, and in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was alleged for the reason that the statement, to wit, "Saccharin," was false and misleading, and in that it was an imitation of, and was offered for sale under the name of, another article, to wit, saccharin.

On February 11, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6928. **Adulteration of shell eggs. U. S. * * * v. 129 Cases of Shell Eggs. Decree of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released.** (F. & D. No. 9423. I. S. No. 6309-r. S. No. C-1000.)

On October 14, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 129 cases, each containing 30 dozen shell eggs, at Chicago, Ill., alleging that the article had been shipped on September 30, 1918, by the Northern Produce Co., Aberdeen, S. D., and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a filthy animal substance.

On October 29, 1918, the matter coming on to be heard upon the motion of John R. Tyler, doing business as John R. Tyler & Co., Chicago, Ill., claimant for the proceeds of the sale of a portion of the product, judgment of condemnation and forfeiture was entered, it having theretofore been ordered by the court that the product should be separated under the supervision of a representative of this department and that the portion unfit for human food should be destroyed, and the portion fit for human food should be sold, and it was ordered by the court that the proceeds of the sale of the edible portion of the eggs, less court costs and necessary expenses, be delivered to said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6929. **Adulteration and misbranding of catsup. U. S. * * * v. 1,246 Cases of Tomato Catsup. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture. Product ordered released on bond for destruction.** (F. & D. No. 9834. I. S. No. 6711-r. S. No. C-1070.)

On March 7, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,246 cases, each containing 3 dozen bottles of tomato catsup, at Chicago, Ill., alleging that the article had been shipped on October 18, 1918, by the Sterling Products Co., Evansville, Ind., and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Fancy Whole Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

Misbranding of the article was alleged in substance in the libel for the reason that the statement borne on the label of the cases, to wit, "* * * Fancy Whole Tomato Catsup," was false and misleading in that it represented to the purchasers that the catsup was made from sound whole tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the catsup was made from sound whole tomatoes,

whereas, in truth and in fact, it was made from tomatoes consisting in part of a decomposed vegetable substance.

On December 19, 1919, the case having come on for hearing before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Carpenter, *D. J.*):

Gentlemen of the jury: The proceeding in this case probably is novel to most of you, although well known in the law. It is in no sense a criminal trial. No one is charged with crime, and the Government does not ask for punishment of any individual, although as a result of your verdict, the property in this case may be ordered destroyed.

By the statutes of the United States certain things are determined to be contraband so far as their transportation in interstate commerce is concerned. There are a great many regulations made for the well-being of the people by the various States of the Union, and the Government of the United States is not concerned, generally speaking, with their enforcement. The Government, however, has a right to settle for itself, within reasonable grounds of course, what may or may not be made the subject of interstate commerce. In other words, controlling interstate commerce, it may forbid the use of the facilities of that commerce to those who do not comply with the stated regulations.

The statute under which this libel is filed is one known as the Food and Drugs Act. Doubtless you have all heard of it or read about it; popularly it is known as the Pure Food Law. It is not necessary for me to impress upon you that the law in question is a wholesome one, passed for the benefit of all the people, to safeguard them in their daily lives, and to the end that the health of the community generally may be conserved and preserved.

The libel in this case is filed under section 7 of that law, and I may say that a libel involves a proceeding against the thing that transgresses the law, and not against the person of its owner. The Government charges that a certain number of cases of tomato catsup were shipped in interstate commerce, in violation of section 7. The cases of tomato catsup, of course, could not appear in court and make defense. The owner of those cases, however, under the law has a right to intervene and make claim to them. He is therefore designated as the claimant. The claimant's rights in this case have been presented to you by Mr. Hulbert and the Government's side by Mr. Dickinson. The Government, while it represents all of the people in the enforcement of its laws, in a case of this kind is merely a litigant. It has no more rights because it is the Government than the claimant who owns the goods. You must treat this case, therefore, because it is a civil case, exactly as if it were a suit between two individuals.

The Government is not required, as in a criminal case, to prove the essential elements of its case beyond a reasonable doubt. The rule is, however, that in a case of this kind, involving the possible forfeiture of property, the United States must establish its cause of action by a clear and satisfactory preponderance of evidence. By preponderance of evidence ordinarily is meant the side on which the scale bends. It does not have anything to do with the number of witnesses testifying. One side may have fifty witnesses; the other side may have one. It is for you to make up your mind whether the one is not after all telling the truth as against the fifty. The evidence does not depend upon the number of the witnesses. And in this case, in determining which way the evidence preponderates, you must disregard the number of witnesses, and focus your minds entirely upon the determination of the true facts.

Now, you have seen the witnesses on the witness stand. You have heard them testify; you know their relations to the Government and to the defense, and you are better able than anyone else to make up your minds where the real truth lies, and whether the facts, as they gave them, are the real facts.

It is unnecessary for me to instruct you in this case that if a witness has sworn falsely to any material fact, you may disregard entirely the evidence of such a witness, save insofar as it is corroborated by other credible evidence.

Now, in considering your verdict, disregard entirely the little tilts between counsel. There may have appeared to you bits of friction from time to time, but as a matter of fact, I think I may assure you that when Mr. Hulbert and Mr. Dickinson get out in the hall, like as not they will go to lunch together. It means nothing outside of the trial; it is not evidence in the case. The little amusing incidents that we had yesterday are diverting, to be sure, but do not

let those things take your mind off of the real issue, which is to determine by a clear preponderance of the evidence, that is, clear and satisfactory preponderance of the evidence, whether the Government has proved its case, or failed to prove its case.

The Pure Food Law provides against the shipping in interstate commerce of adulterated food products. That is stating it generally. Section 7, subdivision 6, is as follows: "That for the purposes of this Act an article shall be deemed to be adulterated if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance." Under that section a person becomes subject to inquiry, and even prosecution, if adulterated matter is transported in interstate commerce. It is stipulated in this case that the subject matter in controversy is a subject of interstate commerce, so that there is nothing left here for you to determine save whether or not this tomato catsup was adulterated, within the Congressional definition that I have just quoted to you.

It is also admitted by the Government that the product under consideration was not filthy or putrid, so you have to settle the fact whether or not it was, in whole or in part, decomposed at the time it was shipped.

Now, in reaching your conclusion whether or not this tomato catsup consisted in whole or in part of decomposed matter you are to have recourse to the evidence and exhibits presented at the trial. You must realize, and I so instruct you, that yours alone is the right, power, and duty to determine from the evidence what are the real facts. Mine is the duty to advise you of the law to be applied to those facts. Understand this clearly, that no matter what I may say in these instructions as to the facts or the witnesses, no word of mine is permitted to influence you one way or the other so far as the determination of any material fact is concerned. If, perchance, I have made any reference to the evidence, remember, please, that it is for the sole purpose of enabling you to exercise your best judgment in settling the issues of fact involved. It is your duty to determine what are the facts, uninfluenced by any views which you may think the court has. The court has not given, or intended to give, or even intimate, at any time during this trial, or in these instructions, any view as to what the facts are, or as to what inferences, if any, may be or should be drawn from the facts. I ask you, therefore, to disregard entirely any notion you may entertain as to what my personal views may be as to the evidence or its sufficiency.

To reiterate, the Government has come into court with a process known as a libel and seized 1,200 odd cases of tomato catsup. The proprietor or owner of that catsup, designated in this case as the claimant, rests upon the proposition that the Government had no right to make such seizure; that is to say, that there was no law which justified the action of the Government or the court. On the other hand the Government claims as justification the act of Congress which I have already referred to as the Pure Food Law.

The Government insists that the tomato catsup consisted, in whole or in part, of decomposed animal or vegetable substance. That part of the law which you are especially and particularly interested in here involves a determination of whether or not the tomato catsup consisted in whole or in part of a decomposed animal or vegetable substance. You are not concerned with whether the product was filthy or putrid, but in determining the meaning of Congress in the words used, we are permitted to consider them all. I instruct you that the word "decomposed" was used by Congress in its ordinary sense. In reaching that conclusion I take into consideration the words with which it was associated. The word "filthy" means something more than merely dirty; the word "decomposed" means something more than filthy, and ordinarily is understood to mean rotten. The word "putrid" implies something that is so rotten that it is vile, or stinks. The reason I reach the conclusion that Congress meant the public to understand the word "decomposed" in its ordinarily accepted sense is because decomposition sets in immediately upon the destruction of life. The instant the fruit is taken from the tree, the instant the corn is taken from the stalk, the instant the life of the tree or plant ceases, decomposition begins and continues to a greater or less extent. The word "decomposed" therefore must be used relatively, because from a technical standpoint it would be impossible to find a fruit or vegetable product that had not at least begun to disintegrate or decompose.

Congress addressed its words, in enacting this law, to all the people, educated, uneducated, professional, scientific; men, women, and children in all walks and classes of life. Therefore the word must be construed in its natural

and obvious sense, and you should have no difficulty in making up your minds what the word "decomposed" means. We are concerned not with its scientific definition but with its general definition, and that general definition, one within the mental comprehension of all, is that it means rotten.

That the Agricultural Department has realized that the word "decomposed" is not to be construed in its technical or scientific sense is illustrated by its various bulletins tolerating a certain degree of decomposure in food products; and therefore I charge you that you have a right to consider that degree of toleration which may be disclosed by the evidence in this case to your satisfaction by a preponderance of the evidence.

In this connection I would discuss briefly the expert testimony which has been adduced both on the part of the Government and on the part of the claimant. The men who have testified here are the leaders of their profession. No question has been made nor can be made as to their honesty of purpose or intelligence. Two schools apparently are represented, the one attacking the proposition from the microscopic standpoint, the other from the chemical standpoint, and this with a little variation of method on the part of the microscopist. Here I will say that it is for you to determine from the evidence whether the method pursued by Doctor Howard, and advised by him, is accurate, or whether it was improved upon by the method adopted by Doctor Brooks and one or two others. That is to say, the examination of fifty or one hundred portions of the microscopic drop instead of thirty-five. These scientific gentlemen have testified that they found certain things microscopically and chemically. As to those things, you will determine first whether you find them, by a preponderance of the evidence, to represent the fact. The same scientific gentlemen have drawn certain deductions from their experiments. Those deductions are merely their opinions founded upon their experiments and their experience. You may—you must, give due consideration to their qualifications, but nevertheless it is your duty to make up your own minds as to what deductions shall be made from the facts which you find to be proven in this case. What they found on the microscopic slide or in the crucible was a matter of fact. Their deductions, of course, are matters of opinion. You have as much right to make deductions from the facts as the experts, although you will no doubt give due consideration to their experience and means of knowledge. As I have said, we have heard this proposition of decomposition attacked from two different standpoints, the microscope and the crucible. The microscopists say that having found a given percentage of mold in the field indicates to them a certain percentage of rot in the raw material. The chemists, on the other hand, say that the appearance of certain acids, and a finding of cell walls, tissues, and the cell content relatively intact, indicated to them a certain other and perhaps lower percentage of decomposition in this particular product. It is for you to consider all of the evidence in this case and make up your minds what the fact is.

I instruct you further that while the act under consideration prohibits interstate shipment of food which consists in whole or in part of decomposed vegetable matter, nevertheless the plaintiff in this case, the Government, in the administration of the law voluntarily modified the strict requirements of the statute, and permitted a certain amount of decomposed matter to enter into the finished product. This was a toleration advertised to all, a toleration which every one might accept of, and the Government may not now complain of the claimant's alleged failure to comply with the strict requirements of the statute, if you find by a preponderance of the evidence that the product seized in this case was within the Government's modification. That is to say, if the degree of decomposition was not in excess of that permitted by the Government in its bulletins, your verdict should be for the claimant.

You are not concerned with the question of bacteria, yeast or spores, although we have had much interesting evidence with reference to these things. And you are instructed that no claim is made that the catsup is in any way deleterious to health or unfit for human food.

The sole question for you to determine, as a matter of fact, is whether or not the product contained decomposed vegetable matter in excess of the amount designated in the Government's bulletins as tolerable.

Of course in reaching your verdict you must consider all of the evidence, not only that of the scientific men, the experts, but that of the lay people; those who testified as to conditions at the factory where the catsup was made.

There have been several exhibits, photographs, offered in evidence here. They are for the purpose only of illustrating the testimony that the various ex-

pert witnesses have given here. They are not evidence of any fact at all. They are, after all, as I say, illustrative of evidence, and are to be used by you for that purpose only.

The jury thereupon retired, and after due deliberation returned a verdict for the Government, and in accordance with said verdict a decree of condemnation and forfeiture was entered on December 31, 1919, and the product was ordered released to the said Sterling Products Co., claimant, upon the execution of a bond and the payment of all costs, for reshipping the product to Evansville, Ind., for destruction and for the purpose of salvaging the bottles. On March 17, 1920, the matter having come on for hearing upon the motion of the United States attorney for a rule on said Sterling Products Co. to comply with the provisions of said decree and said claimant company having entered its disclaimer and refused so to do, it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6930. Adulteration of oranges. U. S. * * * v. Welbanks & Co., a corporation. Tried to the court. Adjudged guilty. Fine, $100. (F. & D. No. 7658. I. S. No. 20231-l.)

On October 28, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Welbanks & Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 16, 1915, from the State of California into the Territory of Hawaii, of a quantity of oranges which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Density of juice (degrees Brix)---------- 10.32
Acidity, as anhydrous citric acid (per cent)---------- 1.50
Ratio of 6.88 parts soluble solids to 1 part acid. Flavor of the oranges was very sour, and their color was 90 per cent of full coloration.

Adulteration of the article was alleged in the information for the reason that it consisted of an inferior product, to wit, unripe oranges, which had been colored in a manner whereby their inferiority to ripe oranges was concealed.

On August 30, 1918, the case having come on for hearing before the court, the defendant was adjudged guilty. On September 27, 1919, the case having come on for final disposition, the court imposed a fine of $100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6931. Misbranding of Wine of Chenstohow. U. S. * * * v. 29 Cases of Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8868. I. S. No. 4452-p. S. No. E-994.)

On March 16, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 24, 1918, an amended libel, praying the seizure and condemnation of 29 cases, each containing 24 packages of Wine of Chenstohow, at Elizabethport, N. J., alleging that the article had been shipped on or about December 26, 1917, by A. Skarzynski & Co., Buffalo, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of

the Food and Drugs Act, as amended. The article was labeled in part: "Celebrated Curative Wine of Chenstohow. Those who suffer with general debility, loss of strength or appetite, indigestion, constipation, piles, pains, etc., should use the Curative Wine of Chenstohow * * *."

Analysis of a sample of the product from a previous shipment had shown that it consisted essentially of alcohol, extract from a laxative plant drug, small amounts of mineral salts, and glycerin, sugar, and water.

Misbranding of the article was alleged in substance in the amended libel for the reason that the statements borne on the labels on the bottles and on the wrappers were false and fraudulent in that they represented that the article would produce certain therapeutic effects as claimed for it on said labels and wrappers, whereas, in truth and in fact, the article would not produce the therapeutic effects as claimed in said wrappers and labels.

On December 18, 1918, A. Skarzynski & Co., Buffalo, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

6932. Misbranding of Wine of Chenstohow. U. S. * * * v. 13 Cases of Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8872. I. S. No. 4454–p. S. No. E–996.)

On March 18, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 24, 1918, an amended libel, praying the seizure and condemnation of 13 cases, each containing 24 packages of Wine of Chenstohow, at Jersey City, N. J., alleging that the article had been shipped on or about February 13, 1918, by A. Skarzynski & Co., Buffalo, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Celebrated Wine of Chenstohow Medicinal Compound."

Analysis of a sample of the product from a previous shipment had shown that it consisted essentially of alcohol, extract from a laxative plant drug, small amounts of mineral salts, and glycerin, sugar and water.

Misbranding of the article was alleged in the amended libel for the reason that the product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it on the bottle and wrapper. Misbranding of the article was alleged for the further reason that the statement borne on the label and on the wrapper, to wit, "Those who suffer with general debility, loss of strength or appetite, indigestion, anemia, headache, insomnia, constipation, etc., who use the curative Wine of Chenstohow and they will positively recover," was false and fraudulent in that it represented that the article would positively benefit and cure those suffering from "general debility, loss of strength or appetite, indigestion, anemia, headache, insomnia, constipation, etc.," whereas, in truth and in fact, the article would not produce

the therapeutic effects claimed for it, and would not cure those suffering from general debility, loss of strength or appetite, indigestion, insomnia, headache, anemia, constipation, etc.

On December 18, 1918, the said A. Skarzynski & Co., claimant, having admitted the truth of the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $350, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

6933. Misbranding of National Hog Cholera Preventive Compound. U. S. * * * v. 12 Cartons of National Hog Cholera Preventive Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9124. I. S. No. 4882-p. S. No. E-1063.)

On July 2, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on August 23, 1918, an amended libel, praying the seizure and condemnation of 12 cartons of National Hog Cholera Preventive Compound, remaining unsold in the original unbroken packages at Columbus, Ga., alleging that the article had been shipped on or about December 7, 1917, by the National Hog Cholera Preventive Co., Raleigh, N. C., and transported from the State of North Carolina into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "National Hog Cholera Preventive Compound. * * * Prevent the hog cholera. * * * Usually brings the disease under control in 3 to 5 days."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the product was composed essentially of charcoal, ground flaxseed, salt, sodium thiosulphate, copperas, sulphur, lime, antimony sulphid, and sodium sulphate.

Misbranding of the article was alleged in substance in the libel and amended libel for the reason that the above-quoted statements borne on the label and included in the circulars accompanying the article, regarding the preventive, therapeutic, and curative effects thereof, were false and fraudulent in that the article was sold essentially as a preventive of hog cholera, and said statements were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchaser thereof, and to cause in the mind of the purchaser thereof, the impression and belief that the article was in whole or in part composed of, and contained ingredients or medicinal agents effective, among other things, as a preventive of and remedy for hog cholera, whereas, in truth and in fact, the article did not contain ingredients or a combination of ingredients capable of producing the therapeutic and preventive effects claimed for it, and it was not in whole or in part composed of, and did not contain ingredients or medicinal agents effective, among other things, as a preventive of or remedy for hog cholera.

On February 4, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6934. Adulteration and misbranding of olive oil. U. S. * * * v. 92 Gallon Cans and 70 Half-Gallon Cans of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9425. I. S. No. 2443-r. S. No. W-252.)

On November 4, 1918, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on or about December 9, 1918, an amended libel, praying the seizure and condemnation of 92 gallon cans and 70 half-gallon cans of alleged olive oil, remaining unsold in the original unbroken packages at San Diego, Cal., alleging that the article had been shipped on or about June 6, 1918, by G. N. Giavi, New York, N. Y., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the amended libel for the reason that cottonseed oil had been mixed and packed therewith and substituted wholly and in part for olive oil so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the gallon cans were labeled "Contains one full gallon Specialita Olio D'Oliva Purissimo Crisafulli Brand Importato Da Lucca Toscana Italia," and the half-gallons were labeled the same except that the contents were labeled "One half gallon," whereas, in truth and in fact, the said gallon cans and the said half-gallon cans did not contain "Specialita Olio D'Oliva Purissimo Crisafulli Brand Importato Da Lucca Toscana Italia," but contained a mixture of cottonseed and olive oil, and the said labeling and branding were calculated to mislead and deceive respective purchasers thereof. Misbranding of the article was alleged in substance for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not olive oil, but was a mixture of cottonseed and olive oil; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. Misbranding of the article was alleged for the further reason that the quantity of the contents of the one-gallon cans and half-gallon cans was not correctly stated on the cans, in that the gallon cans were labeled "Contents one full gallon," whereas, in truth and in fact, the said one-gallon cans showed a shortage of 4.5 per cent, and the said one-half gallon cans were labeled "Contents one half gallon," whereas, in truth and in fact, the said one-half gallon cans showed a shortage of 3.4 per cent.

On December 16, 1918, the Steele Packing Co., San Diego, Cal., having filed a claim for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

6935. Adulteration of tomato catsup. U. S. * * * v. 1,650 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9426. I. S. No. 14315-r. S. No. E-1150.)

On November 2, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,650 cases, each containing 6 cans of tomato catsup, consigned on or about September 27, 1918, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the W. H. Dyer Co., Evansville, Ind., and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "W. H. Dyer's Own Pack Brand Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 23, 1919, the said W. H. Dyer Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6936. Adulteration of salmon. U. S. * * * v. 100 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9427. I. S. No. 5986-r. S. No. C-1006.)

On November 4, 1918, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of salmon, remaining unsold in the original unbroken packages at Laurel, Miss., alleging that the article had been shipped on or about February 17, 1918, by Everding & Farrell, Portland, Ore., and transported from the State of Oregon into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy decomposed animal substance.

On March 14, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and on April 12, 1919, it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6937. Adulteration of Imperial Club Potted Meat. U. S. * * * v. 796 Cases of Potted Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9428. I. S. Nos. 17604-r, 17611-r. S. No. E-1152.)

On October 6, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 796 cases, each containing 48 cans of potted meat, remaining unsold in the original unbroken packages at Columbus, Ga., alleging that the

article had been shipped on or about October 15, 1917, and April 8, 1918, by the Cincinnati Abattoir Co., Cincinnati, O., and transported from the State of Ohio into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Imperial Club Potted Meat-Products. The Cincinnati Abattoir Co. Cincinnati, O."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed animal substance.

On February 5, 1919, the case having come on for trial, and the same having been submitted to a jury on the evidence and the charge of the court, and the jury having returned a verdict finding the product adulterated as charged in the libel, and no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6938. Alleged misbranding of olive oil. U. S. * * * v. Italian Importing Co., a corporation. Tried to the court and the jury. Verdict of not guilty. (F. & D. No. 9431. I. S. No. 2016-p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Italian Importing Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on December 8, 1917, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Pure Italian Olive Oil Golden Star Brand * * * Net Contents One Quart * * *," which was alleged to have been misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the average shortage on 13 cans to be 3.6 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents One Quart," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of said cans contained not less than 1 quart of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained not less than 1 quart of the article, whereas each of said cans did not contain 1 quart of the article, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 4, 1919, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Manton, *D. J.*):

Gentlemen of the jury: The Congress of the United States, for good and wholesome reasons, passed an act which we have to do with here, known as the Federal Food and Drugs Act, and it is charged that the defendant violated the provisions of that act.

The grand jury for this district has found an indictment against the defendant, charging them with violations of this act in two counts. The first count of the indictment charges that the defendant shipped olive oil, in tin cans, from the City of New York to the State of Connecticut, and, therefore, that constituted interstate commerce in olive oil.

It is charged that this was delivered to the firm of Calcaterra & Son, Bridgeport, Conn. There was delivered a certain package, containing articles of food; that that package had a label upon it, and that that label, as you see it in the exhibit on the tin can which has been offered in evidence here, among other things it finds the contents was the net contents of one quart, but the Government says that that is a misbranding of the contents in that can, and that because it was not in truth and in fact a net contents of one quart, the statute has been violated.

It is further charged in the second count of the indictment that this food, contained in cans shipped and delivered as I have described it to you, was misbranded, in that the food in this package and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package; that is to say that the true quantity was not conspicuously marked on the outside of this package, this tin can.

Now, the term "misbranding" is defined in the statute as applying to all drugs and articles of food, or articles which enter into the composition of food, a package or label which shall bear any statement, design, or device regarding such article or the ingredients or substance contained therein, which shall be false or misleading in any particular.

So you see the question then is whether there was a false and misleading or a misbranding of this package, and the package which was shipped to this firm at Bridgeport, Conn., from New York City.

Now, if you find, gentlemen, from the evidence, beyond a reasonable doubt, that there was such a misbranding, that the net contents of the can which was shipped to Calcaterra & Son was not one quart, and if you find that the defendant knowingly and willfully placed a lesser quantity of olive oil in those cans, and shipped them in interstate commerce, then that would be a violation of the statute and you would find them guilty.

The second count of the indictment deals with what has been referred to as the amendment of the act. That provides that if it is in a package form and the quantity of the contents be not plainly and conspicuously marked on the outside of the package, in terms of weight, measurement, or numerical count, that is a violation of the act. That is to say, if the true contents of the quantity or measurement is not plainly and legibly found on the outside of the package, then that is a violation of the act.

The Government charges in the first count that they did print it as net contents of one quart, and that in truth and in fact it was not one quart, and in the second count of the indictment, they charge that the true net content, which the Government says was less than one quart, was not plainly and legibly written on the package or printed on the package on its outside.

Now, something has been said here about inadvertence or shortage due to inadvertence in filling the cans. The statute provides that reasonable variations shall be permitted and tolerances, and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provision of section 3 of the act, and that provides for rules and regulations which are made by the Secretary of Agriculture. Now, those rules and regulations permit a certain variation, but of course it does not permit willful conduct, or intentional or willful underweighing or undermeasuring of the contents; that is placing and undermeasuring in the tin can or the package and then misbranding it and saying it is more than in truth and in fact it is, but inadvertence may be of importance in this regard only: if it is done in good faith, without intent to do wrong, without willful design to do wrong in the usual course of its business, in ignorance or in inadvertence filling these cans, and at underweight or undermeasurement, then you can see they would not be guilty, because no man under our law can commit a crime through a mistake. The commission of a crime depends upon a criminal intent. Of course, it is true that the law is that a man is presumed to intend the natural and flowing consequences of his act. So you must find out if this defendant intended to misbrand or misstate in its printing on these tins and packages, the true weight or the true contents of the packages in question, and if they did, if you are satisfied of that beyond a reasonable doubt, then you will find them guilty. If you are not satisfied, and you have a reasonable doubt as to their guilt, then you will find them not guilty.

Now, reasonable doubt in the law, gentlemen, is a doubt which means just what that term implies. It means a doubt for which you can ascribe a reason. It is not a guess, a surmise, or a conjecture, or a reluctance to perform what may be an unpleasant duty. It is considering all of the evidence, weighing it, and

after an honest, conscientious consideration of it, saying there is a doubt in your mind for which you can ascribe a reason. Then the law says if such doubt exists, you must accord the benefit of that doubt to the case and find the defendant not guilty.

The Government is obliged to prove its case beyond a reasonable doubt, and when it satisfies you of the guilt of this defendant, if it does, beyond a reasonable doubt, then and then only can you convict for the charge as specified in the indictment.

I think that covers all of the case, gentlemen. Questions of fact are solely for your determination. The court has no opinion as to questions of fact. I leave that to you. You will find a verdict of either guilty or not guilty, as you think the facts justify under your conscientious judgment.

JUROR No. 3. Can I ask the date of that act?

The COURT. Yes, 1913; the original act was 1909.

Mr. JOYCE. The original act was 1906.

The COURT. The amendment was in 1913.

The jury thereupon retired, and after due deliberation returned a verdict of not guilty, and the defendant was thereupon discharged.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6939. Adulteration and misbranding of oats. U. S. * * * v. Milwaukee Elevator Co., a corporation. Plea of guilty. Fine, $160. (F. & D. No. 9432. I. S. Nos. 1708-p, 1823-p, 1824-p, 1825-p, 1829-p, 1830-p, 1831-p, 1833-p, 1834-p, 1836-p, 1904-p, 2817-p, 2818-p, 2819-p, 2820-p, 2822-p, 2834-p, 2902-p, 8206-p, 8207-p, 8208-p, 8209-p, 8210-p, 8211-p, 8212-p, 8213-p, 8214-p, 8215-p, 8216-p, 8217-p, 8717-p, 8718-p, 8719-p, 8720-p, 8721-p, 8722-p, 8723-p, 8724-p.)

On April 1, 1919, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milwaukee Elevator Co., a corporation, doing business at Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Minnesota, on July 12, 1917, into the State of Maryland; on July 13, 1917, July 24, 1917, and July 26, 1917, into the State of Pennsylvania; and on July 10, 1917, July 11, 1917 (two shipments), July 13, 1917, July 16, 1917, July 17, 1917, July 18, 1917 (three shipments), July 19, 1917, July 24, 1917, and July 27, 1917, into the State of Virginia, of quantities of an article, invoiced as 34# clipped oats or oats, which was adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the different shipments contained varying proportions, from 17.85 to 37.9 per cent, of foreign substances consisting of wild oats, weed seeds, chaff, foreign grain, and other foreign material, such as dirt, dust, etc.

Adulteration of the article in each shipment was alleged in the information for the reason that certain substances, to wit, screenings, weed seeds, chaff, foreign grain, and other foreign material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for 34# clipped oats or oats, as the case might be, which the article purported to be.

Misbranding of the article in each shipment was alleged for the reason that it was a mixture composed in large part of screenings, weed seeds, chaff, foreign grain, and other foreign material, and was offered for sale and sold under the distinctive name of another article, to wit, 34# clipped oats or oats, as the case might be.

On April 3, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $160.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6940. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou and Theodos). Pleas of guilty. Fine, $30. (F. & D. No. 9434. I. S. No. 13712–r.)

On March 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nickitas P. Economou and Nicholas Theodos, copartners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on July 19, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Finest Quality Olive Oil Extra Pure," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist of cottonseed oil and to be short measure.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure," "Termini Imerese Sicilia-Italia," "Guaranteed Absolutely Pure," and "½ Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil and that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained ½ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ½ gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in Sicily, in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure," "Termini Imerese Sicilia-Italia," "Guaranteed Absolutely Pure," borne on the cans, purported that the article was a foreign product, whereas, in truth and in fact, it was not, but was a domestic product. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $30.

C. F. Marvin, *Acting Secretary of Agriculture.*

6941. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou & Theodos). Pleas of guilty. Fine, $30. (F. & D. No. 9435. I. S. No. 13711–r.)

On March 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nickitas P. Economou and Nicholas Theodos, copartners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on July 6, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Olio Puro D'Oliva Lucca Tipo Italy," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to consist of cottonseed oil and to be short measure.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio Puro D'Oliva Lucca Italy," "Net Contents Full Gallon," "Garantito Produzione Propria," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 full gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in Lucca, in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the article, by the statements on the label aforesaid, purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $30.

C. F. Marvin, *Acting Secretary of Agriculture.*

6942. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou & Theodos). Pleas of guilty. Fine, $30. (F. & D. No. 9436. I. S. No. 13719–r.)

On March 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nickitas P. Economou and Nicholas Theodos, copartners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on August 14, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist of cottonseed oil and to be short measure.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio Sopraffino Qualita Superiore, Olio Finissimo, Olive Oil, Tripolitania Brand," in prominent type, together with designs and devices of Italian flags, shields, crowns and medal, not corrected by the statements in inconspicuous type, "Cotton Seed * * *" and "* * * A Compound * * *," and the statement, to wit, "Net Contents Full Gallon," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full gallon of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was olive oil, and that said article was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full gallon of the article, whereas, in truth and in fact, it was not olive oil, but was a product composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 full gallon of the article, but contained a less amount; and for the further reason that it was a product composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the article, by the designs and devices on the label, purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendant entered pleas of guilty to the information, and the court imposed a fine of $30.

C. F. Marvin, *Acting Secretary of Agriculture.*

6943. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou & Theodos). Pleas of guilty. Fine, $30. (F. & D. No. 9437. I. S. No. 13660–r.)

On March 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Nickitas P. Economou and Nicholas Theodos, copartners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, on August 10, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist of cottonseed oil and to be short measure.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio Sopraffino Qualita Superiore, Olio Finissimo, Olive Oil, Tripolitania Brand," in prominent type, together with designs and devices of Italian flags, shields, crowns, and medal, not corrected by the statements in insignificant type, "Cotton Seed * * *" and "* * * A Compound," and the statement, to wit, "Net Contents Full Gallon," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full gallon of the article, whereas, in truth and in fact, it was not olive oil, but was a product composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 full gallon of the article, but contained a less amount; and for the further reason that it was a product composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the article, by the designs and devices on the label, purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $30.

C. F. Marvin, *Acting Secretary of Agriculture.*

6944. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou & Theodos). Pleas of guilty. Fine, $30. (F. & D. No. 9438. I. S. No. 13657-r.)

On March 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nickitas P. Economou and Nicholas Theodos, copartners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on June 21, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Olio Puro D'Oliva," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist of cottonseed oil and to be short measure.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio Puro D'Oliva Lucca Italy, Net Contents Full Gallon, Olio Puro D'Oliva Garantito Produzione Propria," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 full gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that, by the statements on the label, it purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $30.

C. F. Marvin, *Acting Secretary of Agriculture.*

6943. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou & Theodos). Pleas of guilty. Fine, $30. (F. & D. No. 9439. I. S. No. 13659–r.)

On April 29, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nickitas P. Economou and Nicholas Theodos, copartners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on August 13, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "E & T Brand Pure Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist of a mixture of cottonseed oil and corn oil and to be short measure.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cottonseed oil and corn oil, had been mixed and

packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Pure Olive Oil," borne on the case, and "La Regina Del' Olio A Lucca, One Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an article produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil and corn oil, and was not a foreign product, to wit, an article produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was an article manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in Lucca, in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil and corn oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the article, by the statements, designs, and devices on the labels, purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 14, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $30.

C. F. Marvin, *Acting Secretary of Agriculture.*

6946. Adulteration of tomato pulp. U. S. * * * v. William B. Mantik and Frank Mantik (Mantik Packing Co.). Pleas of guilty. Fine, $60 and costs. (F. & D. No. 9442. I. S. Nos. 2847–p, 3016–p.)

On March 28, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William B. Mantik and Frank Mantik, copartners, trading as the Mantik Packing Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 13, 1917, and March 22, 1918, from the State of Maryland into the State of Pennsylvania, of quantities of tomato pulp which was adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed the pulp in each instance to be decomposed.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 28, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $60 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6947. Misbranding of olive oil. U. S. * * * v. Poleti, Coda and Rebecchi, a corporation. Plea of guilty. Fine, $40. (F. & D. No. 9443. I. S. No. 1366–p.)

On March 12, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Poleti, Coda and Rebecchi, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 7, 1917, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Poletico Brand Sublime Pure Olive Oil," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the average shortage on 10 cans of the gallon size to be 4.5 fluid ounces or 3.5 per cent, and on 10 cans of the quart size to be 1.8 fluid ounces or 5.6 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Gallon," or "One Quart," borne on the cans containing the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 gallon or 1 quart, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than one gallon or one quart of the article, whereas, in truth and in fact, said cans contained less than 1 gallon or 1 quart of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $40.

C. F. Marvin, *Acting Secretary of Agriculture.*

6948. Misbranding of olive oil. U. S. * * * v. Poleti, Coda and Rebecchi, a corporation. Plea of guilty. Fine, $20. (F. & D. No. 9444. I. S. No. 2013–p.)

On March 12, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Poleti, Coda and Rebecchi, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 22, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Riviera Pure Olive Oil Extra Virgin Sublime," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to be short measure.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contains One Full Pint," borne on the cans containing the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 pint of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained not less than 1 pint of the article, whereas, in truth and in fact, said cans contained less than 1 pint of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6949. Misbranding of olive oil. U. S. * * * v. Mariani Brothers, a corporation. Plea of guilty. Fine, $20. (F. & D. No. 9445. I. S. No. 1369-p.)

On March 10, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mariani Brothers, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 5, 1917, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Mariani Pure Olive Oil Surfine," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the average shortage on 11 cans of the ½-gallon size to be 1.72 fluid ounces or 2.69 per cent, and on 11 cans of the quart size to be 0.91 fluid ounces or 2.84 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contains half gallon full measure," or "Contains one quart full measure," borne on the cans containing the article, regarding it, was false and misleading in that it represented that the cans contained not less than ½ gallon of the article or 1 quart of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained not less than ½ gallon or 1 quart of the article, whereas, in truth and in fact, said cans contained less than ½ gallon or 1 quart of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6950. Misbranding of olive oil. U. S. * * * v. William P. and Ferdinand Bernagozzi (W. P. Bernagozzi & Brother). Pleas of guilty. Fine, $100. (F. & D. No. 9446. I. S. No. 2015-p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Bernagozzi and Ferdinand Bernagozzi, copartners, trading as W. P. Bernagozzi & Brother, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on February 13, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Italian Product Olive Oil," and "One Quart," and "One Gallon," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the average shortage on 11 cans of the gallon size to be 4.3 per cent, and on 13 cans of the quart size to be 3.6 per cent.

Misbranding of the article was alleged in the information in that the statement, to wit, "One Gallon," or "One Quart," borne on the cans containing

the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 gallon or 1 quart of the article, as the case might be, whereas, in truth and in fact, they contained less than 1 gallon or 1 quart of the article; and for the further reason that is was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained not less than 1 gallon or 1 quart of the article, whereas, in truth and in fact, said cans contained less than 1 gallon or 1 quart of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 4, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 6901 TO 6950.

** Cases containing decisions of the courts or instructions to juries.*

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1920

S. R. A.—Chem. Suppl. 70. Issued July 1, 1920.

United States Department of Agriculture,

BUREAU OF CHEMISTRY,

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6951–7000.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 19, 1920.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6951. Adulteration and misbranding of olive oil. U. S. * * * v. Anthony J. Barbanera. Plea of guilty. Fine, $25. (F. & D. No. 9447. I. S. Nos. 2671–p, 2675–p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony J. Barbanera, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 20, 1917 (2 shipments), from the State of New York into the State of Massachusetts, of quantities of an article, labeled in part "Finest Quality Olive Oil, Extra Pure," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the article to consist almost wholly of cottonseed oil and the net contents of the half-gallon cans to be 1 quart 1 pint 11.26 fluid ounces, a shortage of 4.74 fluid ounces or 7.4 per cent, and of the quarter gallon cans to be 1 pint 12.89 fluid ounces, a shortage of 3.11 fluid ounces or 9.72 per cent.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil, Extra Pure," "Termini Imerese Italy Sicilia-Italia," "Guaranteed Absolutely Pure," and "Net Contents Half Gallon," or "Net Contents Quarter Gallon," as the case might be, borne on the cans containing the article, regarding it and the ingredients and substances contained

therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained ½ gallon net or ¼ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained ½ gallon net or ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ½ gallon net or ¼ gallon net of the article, but contained a less amount. Misbranding of the article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the statements borne on the cans purported that the article was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

E. D. Ball, *Acting Secretary of Agriculture.*

6952. Adulteration and misbranding of olive oil. U. S. * * * v. S. F. Zaloom & Co., a corporation. Plea of guilty. Fine, $7. (F. & D. No. 9448. I. S. No. 2680-p.)

On January 24, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. F. Zaloom & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 11, 1917, from the State of New York into the State of Massachusetts, of a quantity of an article, labeled in part "Olio D'Oliva De Angelo Brand Lucca Olive Oil Product of Italy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Net contents	1 pint 14.51 fluid ounces
Shortage (fluid ounces)	1.49
Shortage (per cent)	4.65
Iodin number	103.1
Test for cottonseed oil:	Negative.
Corn oil:	Indicated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an oil other than olive oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio D'Oliva De Angelo Brand," "Lucca Olive Oil Product of Italy," and "¼ Gall. Net Content," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of an oil other than olive oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ¼ gallon net of the article, but contained a less amount. Misbranding of the article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy, and for the further reason that it was a mixture composed in part of an oil other than olive oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of an oil other than olive oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ¼ gallon net of the article, but contained a less amount; and for the further reason that the statements borne on the cans purported that the article was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 29, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $7.

E. D. Ball, *Acting Secretary of Agriculture.*

6953. Misbranding of Seelye's Wasa-Tusa, Dr. Seelye's Compound Extract of Sarsaparilla, Seelye's Laxa-Tena, Seelye's Cough and La Grippe Remedy, and Seelye's Fluorilla Compound. U. S. * * * v. A. B. Seelye Medical Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 9449. I. S. Nos. 8122–p, 8124–p, 8125–p, 8126–p, 8127–p.)

On February 19, 1919, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. B. Seelye Medical Co., a corporation, Abilene, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 7, 1917, and September 7, 1917, from the State of Kansas into the State of Missouri, of quantities of articles, labeled in part "Seelye's Wasa-Tusa," "Dr. Seelye's Compound Extract of Sarsaparilla," "Seelye's Laxa-Tena," "Seelye's Cough and La Grippe Remedy," and "Seelye's Fluorilla Compound," which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

The Wasa-Tusa contained ammonia, chloroform, camphor, capsicum, aromatics, alcohol, and water.

The Compound Extract of Sarsaparilla consisted of a reddish brown solution containing essentially a small amount of plant extractives, aromatics, coloring matter, potassium iodid, sugar, alcohol, and water.

The Laxa-Tena consisted of a dark colored sirup containing essentially emodin-bearing plant material, sugar, alcohol, and water.

The Cough and La Grippe Remedy consisted of a heavy sugar sirup containing plant material, together with small amounts of alcohol, chloroform, and tar.

The Fluorilla Compound consisted of a sirup containing emodin-bearing plant material, a small amount of alkaloids, sugar, alcohol, and water.

It was alleged in substance in the information that the Wasa-Tusa was misbranded for the reason that certain statements appearing on the labels of the cartons and bottles falsely and fraudulently represented it as a treatment, remedy, and cure for rheumatism, lame back, tonsilitis, sore throat, nasal catarrh, la grippe, colic, cholera morbus, inflammation of the kidneys, and all painful affections of a nervous and inflammatory nature, summer complaint, pain in the back and kidneys, bunions, swelling, and inflammatory conditions, diphtheria, fever, colds, burns, scalds, indigestion, fever and ague, pain in the side, strains of muscles and limbs, all painful swellings, tumors, deafness, stiff and enlarged joints, and all diseases of a painful nature, when, in truth and in fact, it was not.

It was alleged in substance that the Compound Extract of Sarsaparilla was misbranded for the reason that certain statements appearing on the labels of the cartons falsely and fraudulently represented it as a treatment, remedy, and cure for scrofula, scrofulous humors, scald head, syphilitic affections, cancerous humors, ringworm, salt rheum, boils, tumors, pimples, and humors on the face, catarrh, dizziness, faintness at the stomach, female weakness, general debility, and all diseases arising from impure blood and low condition of the system, and that it was effective to cleanse and enrich the blood, and to tone up the nervous system and impart new life to all the functions of the body, when, in truth and in fact, it was not.

It was alleged in substance that the Laxa-Tena was misbranded for the reason that certain statements appearing on the labels of the cartons falsely and fraudulently represented it as a treatment, remedy, and cure for jaundice, sour stomach, fever and ague, and that it was effective to remove the cause that develops appendicitis and to prevent fevers, when, in truth and in fact, it was not.

It was alleged in substance that the Cough and La Grippe Remedy was misbranded for the reason that certain statements appearing on the labels of the cartons falsely and fraudulently represented it as a treatment, remedy, and cure for influenza, la grippe, whooping cough, asthma, catarrh, phthisis, hoarseness, and all affections of the throat and lungs, and effective when taken in connection with Seelye's Wasa-Tusa to remove soreness of the chest, and to prevent lung fever and pneumonia, when, in truth and in fact, it was not.

It was alleged in substance that the Fluorilla Compound was misbranded for the reason that certain statements appearing on the labels of the bottles falsely and fraudulently represented it as a treatment, remedy, and cure for anemia, languid habits in young girls budding into womanhood, amenorrhœa, dysmenorrhœa (painful menstruation), leucorrhœa, bearing down pains, fainting spells, nervousness, local congestion, prolapsus uteri (falling of the womb),

and effective as a treatment for delicate women and the diseases peculiar to their sex; and effective to restore strength, renew vitality, and build up the functional structure of delicate women, when, in truth and in fact, it was not.

On March 5, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

E. D. Ball, *Acting Secretary of Agriculture.*

6954. Adulteration and misbranding of olive oil. U. S. * * * v. S. F. Zaloom & Co., a corporation. Plea of guilty. Fine, $10. (F. & D. No. 9450. I. S. No. 2684–p.)

On July 17, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. F. Zaloom & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 20, 1918, from the State of New York into the State of Massachusetts, of a quantity of an article, labeled in part "De Angelo Brand Lucca Olive Oil," which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net contents of 10 cans	1 pint 14.57 fluid ounces.
Average shortage (fluid ounces)	1.43
Average shortage (per cent)	4.46
Test for cottonseed oil: Strongly positive.	

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio D'Oliva De Angelo Brand," "Lucca Olive Oil Product of Italy," and "1/4 Gall. Net Contents," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, that each of said cans contained ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ¼ gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the statements borne on the cans purported that the article was a foreign product, when not so. Misbranding of the article was alleged for the further reason

that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

E. D. Ball, *Acting Secretary of Agriculture.*

6955. Misbranding of A Texas Wonder Hall's Great Discovery. U. S. * * * v. 75 Bottles of A Texas Wonder Hall's Great Discovery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9451. I. S. No. 5989-r. S. No. C-1007.)

On November 16, 1918, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 bottles of A Texas Wonder Hall's Great Discovery, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on or about September 17, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On carton) "A Texas Wonder. Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism. Dissolves Gravel, Regulates Bladder Trouble in Children. One small bottle is two months' treatment." (On circular) "Louis A. Portner * * * testified he began using The Texas Wonder for stone in the kidneys * * * and tuberculosis of the kidneys * * *. He was still using the medicine with wonderful results and his weight had increased."

Examination of a previous sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in substance for the reason that the above-quoted statements, borne on the cartons and circulars, were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it on the carton and circular.

On March 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6956. Adulteration and misbranding of tomatoes. U. S. * * * v. 704 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9452. I. S. No. 17607-r. S. No. E-1154.)

On November 13, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 704 cases of canned tomatoes, remaining unsold in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped on or about August 24, 1918, by the Sunbright Canning Co., Dickson, Tenn., and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Helmet Tomatoes."

Adulteration of the article was alleged in substance in the libel for the reason that added water had been mixed and packed therewith, so as to reduce, lower,

and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the labels and branding on the cans were false and misleading, and the said cans were so labeled and branded as to deceive and mislead the purchaser thereof, the contents of said cans not being pure canned tomatoes as the label was calculated to, and did in fact, induce the purchaser thereof to believe, but, in truth and in fact, the cans contained 31.8 per cent of added water, and did not contain what was represented by the labels thereon.

On December 9, 1918, the said Sunbright Canning Co., having filed a claim for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show the amount of added water.

E. D. Ball, *Acting Secretary of Agriculture.*

6957. Adulteration and misbranding of Cacapon Healing Water. U. S. * * * v. 6 Barrels and 40 Kegs of Cacapon Healing Water. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9453. I. S. Nos. 15357-r, 15358-r. S. No. E-1157.)

On November 15, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District holding a District Court a libel for the seizure and condemnation of 6 barrels and 40 kegs of Cacapon Healing Water, at Washington, D. C., consigned on or about October 9, 1918, and October 10, 1918, alleging that the article had been shipped by the Capon Springs Co., Capon Springs, W. Va., and transported from the State of West Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. On February 6, 1919, an amendment to the libel was filed upon motion of the libelant.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding of the article was alleged in the amendment to the libel for the reason that said barrels and kegs bore statements, designs, and devices regarding the therapeutic and curative effects of the article contained therein, to wit, "For over two centuries leading physicians * * * To be 100% efficient, drink Cacapon Healing Water Prescribed by Prominent Physicians for Bright's Disease Kidney Troubles * * * Tonic, Alterative and Diuretic. Has Cured for Centuries Capon Springs Co., Capon Springs, W. Va." (Stamped in red on label) "506292 10-29-18" (Typewritten label) "From Capon Springs Co., Capon Springs, W. Va., Cacapon Co., of Washington, D. C., 1311 and 1313 H St., N. W., * * * for many diseases, including some thought incurable * * * 100% efficient * * * Cacapon Healing Water * * * for Bright's Disease, Kidney Troubles, Indigestion, Diabetes, Calculi, Rheumatism, Women's Diseases, Stomach Troubles, Dyspepsia, Uric Acid, Gout, Urethral and Uterine Troubles * * * Tonic, Alterative * * * Has cured for centuries (Testimonial of Dr. Thomas A. Ashby) * * * rheumatic gout, syphilitic rheumatism, and chronic inflammation," which were false and fraudulent in that they indicated to purchasers thereof, and created in the minds of the purchasers thereof, the impression and belief that the article was effective as a healing water, and as a treatment and cure for, when, in fact, it was not effective as a

healing water, and was not effective as a treatment and cure for Bright's disease, kidney troubles, indigestion, diabetes, calculi, rheumatism, women's diseases, stomach trouble, dyspepsia, uric acid, gout, urethral and uterine troubles, syphilitic rheumatism, and chronic inflammation, and which said statements, designs, and devices were made with a knowledge of their falsity and in reckless and wanton disregard of their truth and [or] falsity, so as to mislead and deceive purchasers thereof.

On April 17, 1919, the Cacapon Co., Washington, D. C., claimant, having theretofore entered its appearance, but no answer to the libel or to the amendment thereto having been filed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that said company should pay the costs of the proceedings.

E. D. Ball, *Acting Secretary of Agriculture.*

6958. Adulteration of catsup. U. S. * * * v. 400 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9454. I. S. No. 10801–r. S. No. C–1008.)

On November 15, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases, each containing 24 bottles of catsup, remaining unsold in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped on or about December 22, 1917, and transported from the State of Indiana into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Royal Red Tomato Catsup Prepared by the Frazier Packing Co. Elwood, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance so packed and mixed therewith as to injure, lower, and affect its quality, purity, and strength.

On May 23, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6959. Adulteration and misbranding of olive oil. U. S. * * * v. Nicholas D. Lyriotakis and Michael D. Lyriotakis (Lyriotakis Bros.). Pleas of guilty. Fine, $100. (F. & D. No. 9589. I. S. Nos. 13331–r, 13708–r.)

On July 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas D. Lyriotakis and Michael D. Lyriotakis, copartners, trading as Lyriotakis Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on June 22, 1918, and July 12, 1918, from the State of New York into the States of Connecticut and Pennsylvania, respectively, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part, "Qualita Superiore * * * Olio Puro Garantito."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Shipment of June 22.	Shipment of July 12.
Net contents (gallon)	0.967	0.941

Halpen test for cottonseed oil: Positive.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article in each shipment was alleged in substance for the reason that the statements, to wit, "Qualita Superiore," "Olio Puro," "Guarantitto Sotto Qualsiasi Analisi Chimica," "Guaranteed under the Pure Food and Drugs Act June 30, 1906," and "1 Gallon Net," together with the designs and devices of the map of Italy and the Italian flag, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented and were such as to deceive and mislead the purchaser into the belief that the article was olive oil, and that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy; that said article was guaranteed by the United States Government, and that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and was not guaranteed by the United States Government, and each of said cans did not contain 1 gallon net of the article, but contained a less amount; and for the further reason that the statements borne on the cans purported that said article was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 23, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100.

E. D. Ball, *Acting Secretary of Agriculture.*

6960. Adulteration and misbranding of olive oil. U. S. * * * v. 22 Gallons of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9459. I. S. No. 14265-r. S. No. E-1161.)

On November 20, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 gallons of a product purporting to be olive oil, at New York, N. Y., alleging that the article had been originally shipped by Arony & Papitsas to Antonio Laberto, La Salle, Ill., and returned by said consignee on or about October 12, 1918, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: "Tipo Lucca Olio Sopraffino Stella d'Oro packed by Arony and Papitsas N. Y., ¼ Gallon Net (also) ½ Gallon Net," (design of olive branch bearing olives and basket with olive branch bearing olives), and in inconspicuous type inconspicuously placed, "compound of cottonseed and olive oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been substituted almost entirely for olive oil.

Misbranding of the article was alleged in substance for the reason that the statements, designs, and devices, referred to above, not corrected by the inconspicuous statement "compound of cottonseed and olive oil," were false and misleading and misled the purchaser, and for the further reason that it was an imitation of another article, to wit, olive oil. Misbranding of the article was

alleged in substance for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 16, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be labeled as cottonseed oil and sold by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6961. Adulteration of Seawright Water. U. S. * * * v. 9 Cases of Seawright Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9466. I. S. No. 15257–r. S. No. E–1167.)

On November 23, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, each containing twelve ½-gallon bottles of Seawright Water, consigned on or about September 26, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Seawright Magnesian Lithia Spring Co., Staunton, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On January 7, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6962. Misbranding of Texas Wonder. U. S. * * * v. 121 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9468. I. S. No. 6282–r. S. No. C–1012.)

On December 3, 1918, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 121 bottles of Texas Wonder at Waco, Texas, alleging that the article had been shipped on or about November 8, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On carton) "The Texas Wonder. Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism, Gravel, Regulates Bladder Trouble in Children." (In circular) "Louis A. Portner * * * testified he began using the Texas Wonder for stone in the kidneys * * * and tuberculosis of the kidneys * * *. He was still using the medicine with wonderful results and his weight had increased."

Examination of a previous sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

It was alleged in substance in the libel that the article was misbranded for the reason that certain statements borne on the carton and included in the circular accompanying the article falsely and fraudulently represented that the article contained ingredients or medicinal agents, effective, among other things, for the cure of kidney and bladder troubles, diabetes, weak and lame backs,

rheumatism, gravel, and bladder trouble, stone in the kidneys and tuberculosis of the kidneys, when, in truth and in fact, the article was not in whole [or in part] composed of, and did not contain, ingredients or medicinal agents which would have the therapeutic effects claimed for it.

On February 27, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6963. Misbranding of American Hog Remedy. U. S. * * * v. 9 Packages of American Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9469. I. S. No. 10833–r. S. No. C–1011.)

On November 27, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 packages of American Hog Remedy, remaining unsold in the original unbroken packages at Lawrence, Kans., alleging that the article had been shipped on or about December 24, 1917, by the American Remedy Co., Tiffin, O., and transported from the State of Ohio into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "American Hog Remedy, a Concentrated Remedy for Swine, Fully Guaranteed by the American Remedy Company, Tiffin, Ohio, Recommended for Hog Cholera and Swine Plagues, Inflammatory and all Contagious Diseases peculiar to Swine. Cures and Prevents Cholera. Give from two to three tablespoonsful of American Hog Remedy three times a day for each hog."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of charcoal, salt, ferrous sulphate, magnesium sulphate, and finely ground organic material.

Misbranding of the article was alleged in substance in the libel for the reason that the label, hereinbefore set forth, regarding the therapeutic or curative effects of the article, was false and fraudulent in that said label was applied to the article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchaser thereof, and create in the minds of the purchasers the impression and belief that said article, compound, or mixture was in whole or in part composed of or contained ingredients or medicinal agents effective, among other things, to produce the therapeutic effect claimed for it on the label on said packages, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects so claimed for it.

On January 17, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6964. Misbranding of A Texas Wonder Hall's Great Discovery. U. S. * * * v. 140 Bottles of A Texas Wonder Hall's Great Discovery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9470. I. S. No. 5991–r. S. No. C–1015.)

On or about November 27, 1918, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 140 bottles of A Texas Wonder Hall's Great Discovery, remaining unsold in the original unbroken packages at Montgomery,

Ala., alleging that the product had been shipped on or about November 12, 1918, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On carton) "Texas Wonder. Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism. Dissolves Gravel, Regulates Bladder Trouble in Children." (In circular) "Louis A. Portner * * * testified he began using The Texas Wonder for stone in the kidneys * * * and tuberculosis of the kidneys * * *. He was still using the medicine with wonderful results and his weight had increased."

Examination of a previous sample by the Bureau of Chemistry of this department showed it to consist essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in the libel for the reason that the statements, borne on the cartons and circulars, as above set forth, were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it on the carton and circular.

On March 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6965. Adulteration and misbranding of olive oil. U. S. * * * v. S. F. Zaloom & Co., a corporation. Plea of guilty. Fine, $150. (F. & D. No. 9473. I. S. No. 9261-p.)

On April 10, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. F. Zaloom & Co., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about November 27, 1917, from the State of New York into the State of Michigan, of a quantity of an article, labeled in part "Lucca Olive Oil," which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net contents of 3 cans	1 pint 15 fluid ounces.
Average shortage (fluid ounces)	1
Average shortage (per cent)	3.0

Halpen test for cottonseed oil: Positive.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an oil other than olive oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio D'Oliva De Angelo Brand," "Lucca Olive Oil Product of Italy," and "¼ Gall. Net Content," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, and

for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of an oil other than olive oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ¼ gallon net of the article, but contained a less amount. Misbranding of the article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the reason that it was a mixture composed in part of an oil other than olive oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the cans purported that the article was a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $150.

E. D. Ball, *Acting Secretary of Agriculture.*

6966. Misbranding of olive oil. U. S. * * * v. Socrates Moscahlades and Styliamos Moscahlades (Moscahlades Brothers). Pleas of guilty. Fine, $20. (F. & D. No. 9474. I. S. No. 1370–p.)

On March 12, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Socrates Moscahlades and Styliamos Moscahlades, copartners, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about December 17, 1917, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Gloria Virgin Pure Olive Oil," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the average net contents of 13 cans to be 3 quarts, 1 pint, 9.92 fluid ounces, an average shortage of 6.08 fluid ounces or 4.75 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Gall.," borne on the cans containing the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained not less than 1 gallon of the article, whereas, in truth and in fact, they contained less than 1 gallon of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

E. D. Ball, *Acting Secretary of Agriculture.*

6967. Misbranding of olive oil. U. S. * * * v. Socrates Moscahlades and Styliamos Moscahlades (Moscahlades Brothers). Pleas of guilty. Fine, $20. (F. & D. No. 9475. I. S. No. 1224-p.)

On March 12, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Socrates Moscahlades and Styliamos Moscahlades, copartners, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 1, 1917, from the State of New York into the State of New Jersey, of a quantity of an article, labeled in part "Gloria Virgin Pure Olive Oil," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the average net contents of 12 cans to be 0.957 gallon, and the average shortage in volume to be 4.30 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Gall.," borne on the cans containing the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained not less than 1 gallon of the article, whereas, in truth and fact, they contained less than 1 gallon of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

E. D. Ball, *Acting Secretary of Agriculture.*

6968. Misbranding of cottonseed feed and adulteration and misbranding of cottonseed meal. U. S. * * * v. Atlanta Cotton Oil Co., a corporation. Plea of guilty. Fine, $100. (F. & D. No. 9476. I. S. Nos. 2898-p, 3553-p, 6809-p.)

On April 29, 1919, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Atlanta Cotton Oil Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of North Carolina, on or about March 3, 1918, and March 19, 1918, of quantities of cottonseed feed which was misbranded, and on or about February 28, 1918, of a quantity of cottonseed meal which was adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the percentage of protein in the shipment of March 3, 1918, to be 33.1, and in the shipment of March 19, 1918, to be 35.3. The percentage of ammonia in the cottonseed meal was 6.83, and at least 24 per cent of cottonseed hulls was present.

Misbranding of the cottonseed feed was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein (minimum) 36.00%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 36 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, whereas, in truth and in fact, it contained

less than 36 per cent of protein, to wit, approximately 33.1 or 35.3 per cent of protein, as the case might be.

Adulteration of the cottonseed meal was alleged for the reason that cottonseed hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for "Good 7% Cottonseed Meal," to wit, 7 per cent ammonia cottonseed meal, which the article purported to be.

Misbranding of the article was alleged for the reason that it was a product composed in part of cottonseed hulls which contained less than 7 per cent of ammonia, prepared in imitation of "Good 7% Cottonseed Meal," and was offered for sale and sold under the distinctive name of another article, to wit, "Good 7% Cottonseed Meal." Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 11, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

E. D. Ball, *Acting Secretary of Agriculture.*

6969. Misbranding of olive oil. U. S. * * * v. Socrates Moscahlades and Styliamos Moscahlades, copartners (Moscahlades Brothers). Pleas of guilty. Fine, $20. (F. & D. No. 9477. I. S. No. 2665-p.)

On March 12, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Socrates Moscahlades and Styliamos Moscahlades, copartners, trading as Moscahlades Brothers, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about November 12, 1917, from the State of New York into the State of Massachusetts, of a quantity of an article, labeled in part "Gloria Virgin Pure Olive Oil," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the average net contents of 3 cans to be 1 pint 14.77 fluid ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "¼ Gall.," borne on the cans containing the article, regarding it, was false and misleading in that it represented that said cans contained not less than ¼ gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained not less than ¼ gallon of the article, whereas, in fact and in truth, said cans did contain less than ¼ gallon of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

E. D. Ball, *Acting Secretary of Agriculture.*

6970. Adulteration and misbranding of olive oil. U. S. * * * v. Nicholas S. Monahos. Plea of guilty. Fine, $75. (F. & D. No. 9479. I. S. No. 1357-p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas S. Monahos, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 12, 1918, from the State

of New York into the State of Connecticut, of a quantity of an article, labeled in part "Prodotti Italiani Olio di Oliva Pure Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net contents of 2 cans	3 quarts 1 pint 11.70 fluid ounces.
Average shortage (fluid ounces)	4.30
Average shortage (per cent)	3.36
Test for cottonseed oil:	Strongly positive.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino Italia Brand Lucca Toscana Italia, Net Contents 1 Gallon," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, and that each of the said cans contained 1 full gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, and that each of said cans contained 1 full gallon of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 full gallon of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that by the statements on the label it purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 19, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $75.

E. D. Ball, *Acting Secretary of Agriculture.*

6971. Misbranding of dairy feed. U. S. * * * v. John Wade, John Joseph Wade, Thomas M. Wade, Mark F. Wade, and Eugene Wade (John Wade & Sons). Pleas of guilty. Fine, $25 and costs. (F. & D. No. 9482. I. S. No. 7426-p.)

On February 3, 1919, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

John Wade, John Joseph Wade, Thomas M. Wade, Mark F. Wade, and Eugene Wade, copartners, trading as John Wade & Sons, Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 15, 1918, from the State of Tennessee into the State of North Carolina, of a quantity of an article, labeled in part "Wade's 24 Per cent Protin Dairy Feed," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Protein (N x 6.25)	16.0
Fat	3.6
Crude fiber	14.9

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Guaranteed average analysis: Protein 24.0, Fat 14.0, Fibre (not over) 5.00," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 24 per cent of protein, not less than 14 per cent of fat, and not more than 5 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 24 per cent of protein, not less than 14 per cent of fat, and not more than 5 per cent of fiber, whereas, in truth and in fact, it contained less protein and fat, and more fiber than was declared on the tags, to wit, 16.0 per cent of protein, 3.6 per cent of fat, and 14.9 per cent of fiber.

On April 3, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25 and costs.

E. D. Ball, *Acting Secretary of Agriculture.*

6972. Adulteration and misbranding of rice bran. U. S. * * * v. Frank M. Rickert, Fred W. Rickert, and Marion L. Rickert (Rickert's Rice Mills). Pleas of guilty. Fine, $10. (F. & D. No. 9483. I. S. No. 8785–p.)

On May 5, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank M. Rickert, Fred W. Rickert, and Marion L. Rickert, copartners, trading as Rickert's Rice Mills, New Orleans, La., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 15, 1918, from the State of Louisiana into the State of Alabama, of a quantity of an article, labeled in part "Rice Bran," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Moisture	9.98
Ether extract	11.41
Crude fiber	15.93
Protein	10.00
Ash	12.45
Acid insoluble ash	7.41

These results indicate presence of rice hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, rice hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for rice bran, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Rice Bran * * * Guaranteed Analysis: Protein 12.50%. * * * Fibre 10.00%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article consisted wholly of rice bran, that it contained not less than 12.50 per cent of protein, and not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of rice bran, that it contained not less than 12.50 per cent of protein and not more than 10 per cent of fiber, whereas, in truth and in fact, it did not consist wholly of rice bran, but consisted in part of rice hulls and contained less than 12.50 per cent of protein and more than 10 per cent of fiber, to wit, approximately 10.00 per cent of protein and approximately 15.93 per cent of fiber. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 22, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10.

E. D. Ball, *Acting Secretary of Agriculture.*

6973. Adulteration of "Oint Tanic Acid." U. S. * * * v. Eugene R. Nichols (Nichols Pharmacy). Collateral of $20 forfeited. (F. & D. No. 9484. I. S. No. 3821-p.)

On April 23, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Eugene R. Nichols, trading as Nichols Pharmacy, Washington, D. C., alleging that said defendant did offer for sale and sell at the said District on May 16, 1918, in violation of the Food and Drugs Act, a quantity of an article, labeled in part "Oint Tanic Acid," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to contain 21.83 per cent of tannic acid, that glycerin was absent, and that the vehicle consisted essentially of petrolatum.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopœia, official at the time of investigation of the article, in that it contained no glycerin or ointment, whereas said Pharmacopœia provides that in 100 mils of the article there shall be 20 grams of glycerin and 60 grams of ointment, and in that the article contained petrolatum, which is not mentioned as an ingredient of ointment of tannic acid in said Pharmacopœia; and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

On April 23, 1919, the defendant having failed to appear, the $20 collateral that had theretofore been deposited by him was forfeited by order of the court.

E. D. Ball, *Acting Secretary of Agriculture.*

6974. Adulteration of Wahoo Bark of Root. U. S. * * * v. J. L. Hopkins & Co., a corporation. Plea of guilty. Fine, $5. (F. & D. No. 9485. I. S. No. 4659–p.)

On January 16, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. L. Hopkins & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on April 19, 1918, from the State of New York into the State of New Jersey, of a quantity of an article, labeled in part "Wahoo Bark of Root," which was adulterated.

Examination and analysis of a sample of the article by the Bureau of Chemistry of this department showed it to contain 8.3 per cent of wood and 11.62 per cent of ash.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said National Formulary, official at the time of investigation of the article, in that said article contained 8.3 per cent of wood, whereas said National Formulary provides that it should contain not more than 3 per cent of wood, and the strength, quality, and purity of the article were not declared on the container thereof.

On February 26, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

E. D. Ball, *Acting Secretary of Agriculture.*

6975. Adulteration and misbranding of "Elix Potash Bromide" and adulteration of "Emulsion Turpentine." U. S. * * * v. W. J. O'Donnell. Collateral of $60 forfeited. (F. & D. No. 9487. I. S. Nos. 3816–p, 3817–p.)

On April 30, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against William J. O'Donnell, Washington, D. C., alleging that said defendant did offer for sale and sell, at the District aforesaid, in violation of the Food and Drugs Act, on May 16, 1918, a quantity of an article, labeled in part "Elix Potash Bromide," which was adulterated and misbranded, and a quantity of an article, labeled in part "Emulsion Turpentine," which was adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the elixir of potassium bromid to contain 48.7 grams of solids in vacuo at 70° C. per 100 cc., 12.2 grams of ash, 12.02 grams of bromids, as potassium bromid, 36.7 grams of sugar, and 11.9 per cent of alcohol by volume. The turpentine emulsion was found to contain 40.42 grams of solids in vacuo at 80° C. per 100 cc., consisting of gum, sugar, and fixed oil, and 5.8 per cent by volume of volatile oil by steam distillation (oil of turpentine).

Adulteration of the "Elix Potash Bromide" was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary, official at the time of investigation of the article, in that said article contained in 100 cc. 12.02 grams of potassium bromid, whereas said National Formulary provides that in 100 cc. of the article there shall be 17.5 grams of potassium

bromid, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Adulteration of the "Emulsion Turpentine" was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that in 100 mils of the article there were approximately 5.8 mils of oil of turpentine, whereas said Pharmacopœia provides that in 100 mils of the article there shall be not less than 15 mils of oil of turpentine, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On April 30, 1919, the defendant having failed to appear, the collateral of $60 that had theretofore been deposited by him was forfeited by order of the court.

E. D. Ball, *Acting Secretary of Agriculture.*

6976. Adulteration of eggs. U. S. * * * v. Lee W. Martin, Charles L. Mering, and William W. Boies (Mering, Martin & Boies Co.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 9491. I. S. No. 11829-p.)

On March 13, 1919, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lee W. Martin, Charles L. Mering, and William W. Boies, copartners, trading as Mering, Martin & Boies Co., Altus, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 3, 1918, from the State of Oklahoma into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

Case No.	Per cent inedible eggs.
1	27.77
2	8.33
3	93.87
4	53.32
5	26.66
6	0.00
7	29.99
8	7.22
9	38.88
10	14.44
11	7.77
12	26.66
13	0.55
14	34.99
15	75.54

Number of cases in shipment: 427.
Number of cases examined: 15.
Number of eggs examined in each case: 180.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal substance.

On April 8, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

E. D. Ball, *Acting Secretary of Agriculture.*

6977. Adulteration and misbranding of olive oil. U. S. * * * v. Mourmouris & Calomiris, a corporation. Plea of guilty. Fine, $75. (F. & D. No. 9493. I. S. No. 14809–r.)

On February 11, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mourmouris & Calomiris, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on June 22, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Prodotti Italiani Olio D'Oliva Pure Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net contents of 3 cans	1 pint, 14.40 fluid ounces.
Average shortage (fluid ounces)	1.56
Average shortage (per cent)	4.87
Halpen test for cottonseed oil: Strongly positive.	

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Prodotti Italian Olio D'Oliva," "Pure Olive Oil," "Sopraffino," "Italia Brand Lucca Toscana Italia," and "Net Contents ¼ Gallon," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, and that it was a foreign product, to wit, an olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, and that each of said cans contained ¼ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, but it was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ¼ gallon net of the article, but contained a less amount; and for the further reason, that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that by the statements on the label it purported to be a foreign product,

when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $75.

E. D. Ball, *Acting Secretary of Agriculture.*

6978. Adulteration and misbranding of olive oil. U. S. * * * v. Mourmouris and Calomiris, a corporation. Plea of guilty. Fine, $50. (F. & D. No. 9494. I. S. No. 12510-r.)

On April 30, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mourmouris and Calomiris, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on June 12, 1918, from the State of New York into the State of Massachusetts, of a quantity of an article, labeled in part "Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the test for cottonseed oil and the nitric acid test for corn oil to be positive; that the product was a mixture of corn, cottonseed, and olive oils, and that only a small amount of olive oil was present.

Adulteration of the article was alleged in the information for the reason that substances, to wit, cottonseed oil and corn oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," borne on the cases containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, whereas, in truth and in fact, it was not, but was a mixture composed in part of cottonseed oil and corn oil; and for the further reason that it was a mixture composed in part of cottonseed and corn oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 21, 1919, the defendant company entered a plea of guilty to the information and the court imposed a fine of $50.

E. D. Ball, *Acting Secretary of Agriculture.*

6979. Misbranding of cracked cottonseed feed. U. S. * * * v. Athens Cotton Oil Co., a corporation. Plea of nolo contendere. Fine, $100. (F. & D. No. 9495. I. S. Nos. 16383-p, 16384-p.)

On January 27, 1919, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Athens Cotton Oil Co., a corporation, Athens, Tex., alleging shipment by said

company, in violation of the Food and Drugs Act, as amended, on or about January 26, 1918 (2 shipments), from the State of Texas into the State of Nevada, of quantities of an article, labeled in part "Cracked Cottonseed Feed Number Four," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	One shipment.	Other shipment.
Average gross weight of 60 sacks (pounds)	95.25	89.85
Average net weight per sack (pounds)	94.50	89.10

Misbranding of the article in each shipment was alleged in the information for the reason that the statement on the label, to wit, "100 Pounds (net)," borne on the sack containing the article, regarding it, was false and misleading in that it represented that said sack contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said sack contained 100 pounds net of the article, whereas, in truth and in fact, it did not contain 100 pounds net of the article, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 2, 1919, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $100.

E. D. Ball, *Acting Secretary of Agriculture.*

6980. Adulteration of scallops. U. S. * * * v. Wallace M. Quinn (Wallace M. Quinn Co.). Plea of guilty. Fine, $25 and costs. (F. & D. No. 9117. I. S. Nos. 1223-p, 1498-p, 3926-p, 6805-p.)

On November 26, 1918, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wallace M. Quinn, trading as the Wallace M. Quinn Co., Morehead City, N. C., alleging shipment by the said defendant, in violation of the Food and Drugs Act, on or about January 22, 1918, and March 19, 1918, from the State of North Carolina into the State of New York, and on or about February 2, 1918, and January 16, 1918, into the State of Georgia, of quantities of scallops which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Total solids (per cent).
Shipment of January 22	11.27
Shipment of March 19	12.90
Shipment of February 2	10.95
Shipment of January 16	11.12

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a substance, to wit, added water, had been mixed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be.

On November 5, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

E. D. Ball, *Acting Secretary of Agriculture.*

6981. Misbranding of Jim Bourland's Medicated Salt Block. U. S. * * * v. 10 Dozen Blocks of Jim Bourland's Medicated Salt Block. Product ordered released on bond. (F. & D. No. 9364. I. S. No. 16063-r. S. No. E-1124.)

On September 30, 1918, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 dozen blocks of Jim Bourland's Medicated Salt Block, remaining unsold in the original unbroken packages at St. Matthews, S. C., alleging that the article had been shipped on or about June 13, 1918, by Jim Bourland, Houston, Tex., and transported from the State of Texas into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Jim Bourland's Medicated Salt Block."

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of calcium sulphate, common salt, sulphur, and nux vomica.

Misbranding of the article was alleged in the libel for the reason that it contained no copperas, as alleged and claimed on the label or sticker of said product, and in substance for the further reason that the statements borne on the labels of the article, regarding its curative and therapeutic effects, to wit, "* * * For hogs * * * As a Cholera preventative * * *, Bourland's Medicated Salt Block * * * prevents * * * distemper, Texas fever, cholera * * *," were misleading, false, and fraudulent.

On February 28, 1919, the cause having come on to be heard, and it appearing that the said Jim Bourland, claimant, had paid the costs of the proceedings and executed a bond in the sum of $100, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

E. D. Ball, *Acting Secretary of Agriculture.*

6982. Misbranding of Jim Bourland's Salt Block. U. S. * * * v. 13½ Dozen Packages of Jim Bourland's Salt Block. Product ordered released on bond. (F. & D. No. 9387. I. S. No. 16108-r. S. No. E-1132.)

On October 11, 1918, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13½ dozen packages of Jim Bourland's Salt Block, remaining unsold in the original unbroken packages at St. Matthews, S. C., alleging that the article had been shipped on or about April 16, 1918, by Jim Bourland, Houston, Tex., and transported from the State of Texas into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Jim Bourland's Medicated Salt Block."

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of calcium sulphate, common salt, sulphur, and nux vomica.

Misbranding of the article was alleged in substance in the libel for the reason that the statements borne on the labels of the article, regarding its curative and therapeutic effects, to wit, "* * * For hogs * * * As a Cholera preventative * * * Bourland's Medicated Salt Block * * * prevents * * * distemper, Texas fever, cholera * * *," were misleading, false, and fraudulent.

On March 1, 1919, the cause having come on to be heard, and it appearing that the said Jim Bourland, claimant, had paid the costs of the proceedings and executed a bond in the sum of $100, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

E. D. Ball, *Acting Secretary of Agriculture.*

6983. Adulteration of "Oint Acid Tannic" and adulteration and misbranding of "Elixir Potassium Bromide." U. S. * * * v. Affleck's Drug Stores, a corporation. Collateral of $75 forfeited. (F. & D. No. 9481. I. S. Nos. 4048-p, 4049-p.)

On July 17, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Affleck's Drug Stores, a corporation doing business at Washington, D. C., alleging that said company did offer for sale and sell at the District aforesaid, on May 15, 1918, a quantity of an article, labeled in part "Oint Acid Tannic," which was adulterated, and a quantity of an article, labeled in part "Elixir Potassium Bromide," which was adulterated and misbranded in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the ointment of tannic acid to contain approximately 7.65 per cent of tannic acid, 6.42 per cent of glycerin, and a vehicle consisting of unsaponifiable material resembling petrolatum. The elixir of potassium bromid was found to contain 20.67 per cent of alcohol by volume, 35.4 grams of solids in vacuo at 70° C. per 100 cc., 14.2 grams of ash, 21.2 grams of sugar, and 14.16 grams of bromids, calculated as potassium bromid.

Adulteration of the "Oint Acid Tannic" was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that it contained in 100 grams approximately 7.65 grams of tannic acid and approximately 6.42 grams of glycerin, whereas said Pharmacopœia provides that it shall contain in 100 grams not less than 20 grams of tannic acid and not less than 20 grams of glycerin, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the "Elixir Potassium Bromide" was alleged for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary, official at the time of investigation of the article, in that it contained in 1,000 mils 141.6 grams of potassium bromid, whereas said National Formulary provides that it shall contain in 1,000 mils not less than 175 grams of potassium bromid, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On July 18, 1919, the case having come on for disposition, and the defendant company having failed to appear, the $75 collateral that had been theretofore deposited by said company to insure its appearance was ordered forfeited by the court.

E. D. Ball, *Acting Secretary of Agriculture.*

6984. Adulteration and misbranding of olive oil. U. S. * * * v. John S. Perides. Plea of guilty. Fine, $60. (F. & D. No. 9497. I. S. No. 13715-r.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John S. Perides, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on July 25, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Extra Pure Termini Imerese Brand Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net contents of 12 cans	1 pint 14.3 fluid ounces.
Average shortage (fluid ounces)	1.7
Average shortage (per cent)	5.3

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Extra Pure Termini Imerese Brand, Net Contents Full ¼ Gallon, Olive Oil, Guaranteed Absolutely Pure, Sicily-Italy," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kindgom of Italy, and that said cans each contained 1 full quarter gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained 1 full quarter gallon of the article, whereas, in truth and in fact, it was not pure olive oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and each of said cans did not contain 1 full quarter gallon of the article, but said article was a mixture composed in part of cottonseed oil, and was a domestic product, to wit, a product manufactured in the United States of America, and said cans contained less than 1 full quarter gallon of the article; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that by the statements on the label it purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On March 19, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $60.

E. D. Ball, *Acting Secretary of Agriculture.*

6985. Misbranding of macaroni. U. S. * * * v. Savarese Macaroni Co., a corporation. Plea of guilty. Fine, $75 and costs. (F. & D. No. 9505. I. S. No. 1689–p.)

On February 27, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Savarese Macaroni Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 6, 1917, from the State of Maryland into the State of New York, of a quantity of an article, labeled in part "Savoy Brand Macaroni, Contents 10 ozs.," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the average net weight of 24 packages to be 8.83 ounces, and the average net shortage 11.7 per cent.

Misbranding of the article was alleged in the information for the reason that the label bore a statement regarding the article and the ingredients and substances contained therein, to wit, "Contents 10 ozs.," which said statement was false and misleading in that the packages did not contain 10 ounces of macaroni, but contained a less amount thereof, and for the further reason that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that said packages contained 10 ounces of macaroni, whereas, in truth and in fact, they did not contain 10 ounces of macaroni, but contained a less amount thereof. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of food contained in said packages was less than 10 ounces, and said quantity of food so contained therein was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

On February 27, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $75 and costs.

E. D. Ball, *Acting Secretary of Agriculture.*

6986. Misbranding of Dr. Groves' Anodyne for Infants. U. S. * * * v. Smith, Kline & French Co., a corporation. Plea of guilty. Fine, $200. (F. & D. No. 9511. I. S. No. 3431–m.)

On March 29, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Smith, Kline & French Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 29, 1917, from the State of Pennsylvania into the State of New York, of a quantity of an article, labeled in part "Dr. Groves' Anodyne for Infants," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of a sugar sirup flavored with oil of spearmint, and to contain $\frac{1}{7}$ grain of morphine sulphate per fluid ounce.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements borne on the labels of the cartons and bottles falsely and fraudulently represented it to be effective, among other things, to remove nervous irritation in children, to invigorate children before teething, and to repair the waste caused by diarrhea and other affections in children during teething, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statements borne

on the labels of the cartons and bottles, to wit, "Dr. Groves' Anodyne for Infants is a reliable assistant of a mother * * *. This preparation is perfectly safe," regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a reliable assistant to a mother in that it was a preparation which could be administered with perfect safety to infants, whereas, in truth and in fact, the article contained morphine sulphate, a drug which rendered the article unsafe to be administered to infants, and for the further reason that it contained alcohol and morphine, and the carton failed to bear a statement of the quantity and proportion of alcohol and morphine contained therein.

On May 7, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200.

E. D. Ball, *Acting Secretary of Agriculture.*

6987. Adulteration and misbranding of olive oil. U. S. * * * v. Achille Joannidi and Fanos Perides (Joannidi & Perides). Pleas of guilty. Fine, $150. (F. & D. No. 9512. I. S. No. 14806-r.)

On March 10, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Achille Joannidi and Fanos Perides, copartners, trading under the firm name and style of Joannidi & Perides, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on May 31, 1918, from the State of New York into the State of Pennsylvania, of a quantity of so-called olive oil which was adulterated and misbranded. The article was labeled in part, "Olio il Siciliano Brand Extra Fine Quality."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net contents of 3 cans	1 pint 14.77 fluid ounces.
Average shortage (fluid ounces)	1.23
Average shortage (per cent)	3.8
Halpen test for cottonseed oil: Strongly positive.	

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article by its label purported to be.

Misbranding of the article was alleged in substance for the reason that the statements, to wit, "Olio il Siciliano Brand, Termini-Imerese Style," borne on the labels of the cans, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil and that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil produced in the kingdom of Italy, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, a product produced in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America. Misbranding of the article was alleged for the further reason that the statement, to wit, "One Quart Net," borne on the labels of the cans, was false and misleading in that it purported and represented that the net contents of said cans was 1 quart, whereas, in truth and in fact, the

net contents of said cans was less than 1 quart, and for the further reason that it was food in package form, and the quantity of food in said packages was less than 1 quart, and the quantity of food so contained therein was not marked on the outside of said packages in terms of weight, measure, or numerical count.

On April 2, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $150.

E. D. Ball, *Acting Secretary of Agriculture.*

6988. Misbranding of macaroni and spaghetti. U. S. * * * v. The Savarese Macaroni Co., a corporation. Plea of guilty. Fine, $225 and costs. (F. & D. No. 9513. I. S. Nos. 4461–p, 4462–p, 4463–p.)

On February 27, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Savarese Macaroni Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 30, 1918 (3 shipments), from the State of Maryland into the State of New York, of quantities of articles, labeled in part "A. & P. Brand Macaroni," "A. & P. Brand Elbow Macaroni," "A. & P. Brand Spaghetti," and "Net Weight 14½ ounces," which were misbranded.

Examination of samples of the articles by the Bureau of Chemistry of this department showed the following results:

	Average weight 12 packages. (ounces).	Average shortage. (ounces).	Average shortage (per cent).
Elbow macaroni	13.54	0.96	6.6
Macaroni	13.52	0.98	6.7
Spaghetti	13.33	1.17	8.0

Misbranding of the articles in each shipment was alleged in the information for the reason that the labels of the packages bore the statement, to wit, "Net Weight 14½ ounces," which said statement was false and misleading in that the packages did not contain 14½ ounces of the article, but contained a less amount thereof; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 14½ ounces, whereas, in fact and in truth, they contained a less amount thereof. Misbranding of the articles was alleged for the further reason that it was food in package form, and the quantity of the food contained in said package was less than 14½ ounces and the quantity of food so contained therein was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On February 27, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $225 and costs.

E. D. Ball, *Acting Secretary of Agriculture.*

6989. Adulteration of tomatoes. U. S. * * * v. John W. Schall and Clifford C. Frey (Schall Packing Co.). Pleas of nolo contendere. Fine, $105 and costs. (F. & D. No. 9515. I. S. Nos. 2537–p, 2557–p, 3159–p.)

On May 5, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John W. Schall and Clifford C. Frey, copartners, trading under the name of the Schall Packing Co., Baltimore, Md., alleging shipment by said

defendants, in violation of the Food and Drugs Act, on or about September 15, 1917, and October 9, 1917, from the State of Maryland into the State of Georgia and on or about September 27, 1917, into the State of New York, of quantities of tomatoes which were adulterated. The article was variously labeled, "General Brand Tomatoes," "Terrapin Brand Tomatoes," and "Royal Club Brand Red Ripe Tomatoes," respectively.

Analyses of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C. the addition of water to the tomatoes.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

On May 5, 1919, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of $105 and costs.

E. D. Ball, *Acting Secretary of Agriculture.*

6990. Adulteration and misbranding of aspirin tablets. U. S. * * * v. 24 Packages of Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9518. I. S. No. 6063-r. S. No. C-1016.)

On December 2, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 original unbroken packages of a product purporting to be aspirin tablets, at Joplin, Mo., alleging that the article had been shipped on or about November 15, 1918, by the Verandah Chemical Co., Brooklyn, N. Y., and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Acetylsalicylic Acid Aspirin."

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, that is, the quality indicated by the label, to wit, "Aspirin 5 gr.," the said product in fact consisting of approximately 2.1 grains salicylic acid, together with corn starch, milk, sugar, talc, calcium carbonate, and a small amount of sodium citrate, with no acetylsalicylic acid present therein.

Misbranding of the article was alleged for the reason that the label borne on the packages was false and misleading in that it indicated that the product contained acetylsalicylic acid tablets, and [that the tablets] contained aspirin 5 grains, when, in fact, the said product consisted approximately of 2.1 grains salicylic acid, together with corn starch, milk, sugar, talc, calcium carbonate, and a small amount of sodium citrate, with no acetylsalicylic acid present therein, and for the further reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, "Acetylsalicylic Acid Tablets Aspirin 5 Gr.," when, in fact, the article consisted of 2.1 grains salicylic acid, together with corn starch, milk, sugar, talc, calcium carbonate, and a small amount of sodium citrate, with no acetylsalicylic acid present therein.

On June 9, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6991. Adulteration of eggs. U. S. * * * v. 251 Cases of Eggs in Shell. Decree of condemnation and forfeiture as to the unfit portion. Good portion released to claimant upon payment of costs. Unfit portion ordered to be destroyed unless sold for feeding stock, for fertilizer, or other similar purposes. (F. & D. No. 9519. I. S. No. 14275-r. S. No. E-1169.)

On November 26, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 251 cases of eggs in shell remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 22, 1918, by D. N. Lightfoot & Son, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 14, 1919, the eggs having theretofore been candled by the said D. N. Lightfoot & Son under the supervision of a representative of this department, and the portion found good and fit for human consumption having been released to said claimant, it was ordered by the court that the portion found unfit for food should, if possible, be disposed of for feeding stock, for fertilizer, or other similar purposes in lieu of the destruction thereof, which had been provided by a previous order of the court.

E. D. Ball, *Acting Secretary of Agriculture.*

6992. Adulteration of condensed milk. U. S. * * * v. 95 Cases of Condensed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 9520, 9521. I. S. Nos. 14331-r, 14332-r. S. No. E-1170.)

On December 7, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 95 cases of condensed milk, at Brooklyn, N. Y., alleging that the article had been shipped on or about November 29, 1918, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Value Brand Sweetened Condensed Milk Packed by Merton Dairy Products Co., Merton, Wis."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 17, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6993. Adulteration of string beans. U. S. * * * v. 950 Cases of String Beans. Default decree of condemnation and forfeiture. Product ordered sold as feed for live stock. (F. & D. No. 9522. I. S. No. 2489-r. S. No. W-256.)

On December 4, 1918, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 950 cases, each containing 6 cans of string beans, remaining unsold in the original unbroken packages at Portland, Ore., alleging that the article had

been shipped on or about September 26, 1918, by the Manteca Canning Co., Manteca, Cal., and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Swing Brand * * * String Beans."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a putrid and decomposed vegetable substance, and was sour and unfit for food.

On January 23, 1919, no claimant having appeared for the property, and a formal judgment of condemnation and forfeiture having been entered on January 18, 1919, it was ordered by the court that the United States marshal should cause the product to be made unfit for human consumption and should sell and dispose of the same for feed for live stock.

E. D. Ball, *Acting Secretary of Agriculture.*

6994. Misbranding of Texas Wonder. U. S. * * * v. 60 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 9523, 9524. I. S. Nos. 2058-r, 2059-r. S. No. W-255.)

On December 7, 1918, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 bottles of Texas Wonder, consigned by E. W. Hall, St. Louis, Mo., remaining unsold in the original unbroken packages at Denver, Colo., alleging that 36 of said bottles were shipped on or about October 23, 1918, and 24 of said bottles were shipped on or about March 11, 1918, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On bottle) "A Texas Wonder, Hall's Great Discovery, Contains 43 per cent Alcohol Before Diluted, 5 per cent After Diluted. The Texas Wonder, Hall's Great Discovery for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism. Dissolves Gravel, Regulates Bladder Trouble in Children. One small bottle is 2 months' treatment and seldom fails to cure any case above mentioned. Dr. E. W. Hall, Sole Manufacturer, St. Louis, Mo." (In circular) "For Kidney and Bladder Troubles, Rheumatism and Kindred Diseases. The Texas Wonder, Hall's Great Discovery, has been employed with success in Rheumatism, Diabetes, Kidney and Bladder Troubles, Cases of Gravel and other kindred diseases as appears from the following sworn testimonials and evidence."

Examination of a sample of the article by the Bureau of Chemistry of this department from a previous shipment showed it to consist essentially of oleoresin of capaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the articles was alleged in the libel for the reason that each bottle was labeled with a label containing false and fraudulent statements as to the curative and therapeutic effect of the contents of said bottles, and in that each bottle was accompanied by a circular containing false and fraudulent statements as to the curative and therapeutic effect of the contents of said bottles. That it is not true that said drug will cure or that it seldom fails to cure kidney and bladder troubles, diabetes, weak and lame backs, rheumatism, or that it cures or seldom fails to cure any one of said diseases, and that it is not true that said drug will dissolve gravel or regulate bladder trouble in children. That each and every statement in said label and in said circular as to the curative and therapeutic effect of said drugs was false and fraudulent.

On January 10, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6995. Adulteration and misbranding of evaporated milk. U. S. * * * v. 600 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9525. I. S. No. 15269–r. S. No. E–1172.)

On December 5, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 48 cans of evaporated milk, consigned on or about October 18, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Marigold Brand Sterilized Unsweetened Evaporated Milk * * * Manufactured by Western Condensed Milk Co. Newberg, Oregon."

Adulteration of the article was alleged in the libel for the reason that a partially evaporated milk had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for evaporated milk.

Misbranding of the article was alleged for the reason that it was labeled and branded so as to deceive and mislead the purchaser, and in that the label contained statements that were false and misleading, and in that said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk.

On December 13, 1918, Ferdinand Bernheimer, Herman Bernheimer, and Isadore I. Wolf, trading as Bernheimer Brothers, Baltimore, Md. claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under supervision of a representative of this department.

E. D. Ball, *Acting Secretary of Agriculture.*

6996. Adulteration of oysters. U. S. * * * v. 60 Gallons of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9530. I. S. No. 14317–r. S. No. E–1151.)

On October 30, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 gallons of oysters, at Brooklyn, N. Y., alleging that the article had been shipped on or about October 24, 1918, by the Westchester Fish Co., New York, N. Y., and transported from the State of New York into the State of New Jersey, and thereafter returned to the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been substituted in part for oysters.

On November 23, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that delivery of said product to the Bureau of Chemistry of this department for disposition in the interest of the United States should constitute an execution of the writ.

E. D. Ball, *Acting Secretary of Agriculture.*

6997. Adulteration and misbranding of olive oil. U. S. * * * v. 47 Gallons of Olive Oil (so called). Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9533. I. S. No. 13736–r. S. No. E–1180.)

On December 10, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 47 gallons of olive oil, so called, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about November 14, 1918, by G. P. Papadopulos, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olio il Toscano Brand Lucca-Style."

Adulteration of the article was alleged in substance in the libel for the reason that there had been mixed and packed therewith cottonseed oil and corn oil so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that cottonseed oil and corn oil had been substituted almost wholly for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels bore certain statements regarding the article which were false and misleading, that is to say, the labels bore certain statements regarding the article, to wit, "Olio il Toscano Brand Lucca-Style," which statements and words were intended to be of such a character as to induce the purchaser to believe that the product was pure olive oil, when, in truth and in fact, it was not, and the words "Cottonseed Salad Oil Slightly Flavored with Olive Oil," in small type, did not correct said false impression; and for the further reason that the article purported to be a foreign product, when, in truth and fact, it was not, but was a product of domestic manufacture packed in the United States. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; and for the further reason that it was labeled "Net Contents Full One Gallon," whereas examination showed a shortage.

On February 19, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6998. Adulteration of walnut pulp. U. S. * * * v. 2 Cases of Walnut Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9534. I. S. No. 15638–r. S. No. E–1182.)

On December 12, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases of walnut pulp, consigned on November 9, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Birdsong Brothers, New York, N. Y., and transported from the State of New York into the State of Maryland and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable and animal substance.

On January 6, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. Ball, *Acting Secretary of Agriculture.*

6999. Adulteration of olives. U. S. * * * v. 7 Cases of Olives. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11666. I. S. No. 8393-r. S. No. C-1599.)

On November 24, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of olives, at Cleveland, O., alleging that the article had been shipped on or about February 10, 1919, by the Curtis Olive Corporation, Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

The article was labeled as follows: (On case) "Supreme Curtis-Quality California Ripe Olives Packed by Curtis Corporation, Long Beach, California, Los Angeles Harbor Curtis Quality Ripe Olives Mammoth." (Stenciled in upper right-hand corner) "GX 2602." (On glass containers) "Mammoth Supreme Curtis Quality Curtis Olive Corporation Los Angeles, U. S. A. California Ripe Olives Net Weight of fruit 16 oz. Avd." (On metal cap) "GX 2602."

Examination of samples of the article by the Bureau of Chemistry of this department showed that of the 11 jars examined the contents of 6 were sterile and 5 were nonsterile, showing growth either in aerobic or anaerobic (or both) cultures. Of the 5 nonsterile containers 1 contained *Bacillus botulinus*. The contents of this container also proved toxic on feeding to guinea pigs, besides yielding a virulent culture of the organism.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 3, 1919, the said Curtis Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act.

E. D. Ball, *Acting Secretary of Agriculture.*

7000. Adulteration of condensed milk. U. S. * * * v. 795 Cases of Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9537. I. S. No. 14334-r. S. No. E-1185.)

On December 16, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 795 cases, each containing 48 cans of condensed milk, at Newark, N. J., alleging that the article had been shipped on or about March 23, 1918, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Value Brand Sweetened Condensed Skimmed Milk Manufactured by the Sullivan Condensed Milk Co., Sullivan, Wis."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 10, 1919, Wilkinson Gaddis & Co., Newark, N. J., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $8,000, in conformity with section 10 of the act, conditioned in part that the article should not be used for food purposes for either man or animal.

E. D. Ball, *Acting Secretary of Agriculture.*

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